

CHAPTER 15

INVESTIGATIONS

This chapter contains general areas and investigative considerations essential to successful investigation and explains investigative jurisdiction as it applies to the U.S. Navy and other agencies with which you may come in contact.

INVESTIGATIVE JURISDICTION

LEARNING OBJECTIVES: Describe investigative jurisdiction and criminal offenses that must be investigated. Explain the difference between major and minor criminal offenses. Describe the function of command investigators, and identify security matters that require NCIS action. Identify the department responsible for personnel security investigations, and explain how requests for NCIS support are initiated. Describe the credentials and badges required for special agents.

Good order and discipline are the direct responsibility of the command. In the discharge of this responsibility, commanding officers frequently rely on prompt investigative action by professionally trained personnel. Those personnel are relied upon not only to effectively resolve alleged, suspected, or actual criminal and security offenses, but to preserve facts and construct an evidentiary foundation for subsequent command action. Under the Secretary of the Navy and the Director, Naval Criminal Investigative Service (NCIS) is the primary investigative and counterintelligence agency for the Department of the Navy. As a centrally directed organization, the NCIS provides support, as needed, both ashore and afloat, consistent with departmental policy and with full regard for individual constitutional rights. In a combat or combat contingency environment, the task force commander afloat and landing force commander ashore exercise immediate control over assigned Navy and Marine Corps investigative and counterintelligence assets. Commands maintain an investigative capability for the resolution of minor offenses and those of a purely military character, and have authority to commission fact-finding bodies to determine the circumstances of specific incidents.

INVESTIGATION OF CRIMES THAT VIOLATE MILITARY AND FEDERAL CRIMINAL LAW

The Secretary of Defense and the Attorney General recognize that the administration and discipline of the armed services require that certain offenses committed by military personnel be investigated by the armed services and prosecuted before military tribunals. They also recognize that other offenses committed by military personnel should be investigated by Federal authorities and prosecuted before Federal civil tribunals. It is obvious that inflexible rules are not feasible for determining the exact responsibility of military and Federal civil authorities where there is concurrent jurisdiction.

The following procedures make the investigation and prosecution of crimes more expeditious and efficient, meanwhile giving appropriate effect to the requirements of the Armed Forces and the policies of civil government. These procedures do not apply to the investigation of purely military offenses.

Whenever information is brought to the attention of a commanding officer indicating that a major crime has been committed on a naval installation, or a major crime involving naval personnel has been committed outside a naval installation, the commanding officer should furnish NCIS with this information and advise the officer who has general court-martial jurisdiction. If immediate response by the NCIS is not feasible, (such as when a submarine is on patrol or a ship is at a remote location), commanding officers should conduct such preliminary investigation as circumstances dictate, preparatory to later full investigation by the NCIS. Appropriate measures should be taken to ensure the preservation and accounting of possible evidence and to avoid any action that might prejudice investigative possibilities or otherwise impair the subsequent process of justice. It is the responsibility of NCIS to determine whether an investigation should be referred to the Federal Bureau of Investigation (FBI) or to other Federal, state, or local law enforcement agencies.

When it appears that the crime involves fraud against the Government (misappropriation, robbery, or larceny of Government property or funds), NCIS

immediately advises the FBI. NCIS will, however, conduct the investigation or refer it to other appropriate naval authorities unless promptly notified by the Department of Justice that it desires the FBI to assume investigative jurisdiction.

MAJOR CRIMINAL OFFENSES

The NCIS is the agency within the Department of the Navy responsible for the investigation of actual, suspected, or alleged major criminal offenses committed against a person, the United States Government or its property, and certain classes of private property, including attempt or conspiracy to commit such offenses. A major criminal offense is defined as one punishable under the UCMJ by confinement for a term of more than 1 year, or similarly framed by Federal statutes, state, local, or foreign laws. Incidents of actual, suspected, or alleged major criminal offenses coming to command attention (with the exception of those which are purely military in nature) are immediately referred to the NCIS. It is not normal to request investigation of only (a) specific phase(s) of a serious incident.

The Director, Naval Criminal Investigative Service, or field representatives may decline to undertake investigation of any case that in their judgment would be fruitless and unproductive.

In addition to referral of major criminal offenses, when any of the following circumstances occur, commands should promptly provide available information to the NCIS for preliminary inquiry to determine if a request for full investigation is warranted:

1. Unattended death of military personnel, dependents, or Department of the Navy employees occurring on a Navy or Marine Corps installation when criminal casualty cannot be firmly excluded.

2. Any fire or explosion of questionable origin affecting Department of the Navy property or property under Navy or Marine Corps control.

3. When a possibility exists that one or more elements of a major criminal offense may attach to an incident apparently minor in nature. An example would be a petty larceny within a barracks cubicle or stateroom wherein entry to effect the larceny may constitute the additional offense of housebreaking.

4. When aspects surrounding a nominally minor incident are of a potentially sensitive nature. Such considerations might include, but are not limited to, incidents involving ordnance, narcotics, dangerous

drugs or controlled substances, incidents of perverted sexual behavior, or damage to Government property which appears to be the result of arson or other deliberate attempt.

5. Thefts of personal property when ordnance, contraband, or controlled substances or items of a single or aggregate value of \$500 or more are involved, or when substantive issues of morale and discipline apply, such as a continuing series of unresolved personal thefts.

A major criminal offense may constitute a violation of both military and civil law and may involve both military personnel and civilians. Sole and concurrent jurisdiction may also rest with another agency outside the Department of the Navy. As previously mentioned, the NCIS is responsible for making investigative referrals in behalf of the command in these instances.

Certain instances will occur that may be resolved administratively without the application of professional investigative techniques. Within this interpretation are matters without criminal basis that might be resolved by a fact-finding body, an informal inquiry, or administrative audit. Incidents that fall into this category might result from accident, negligence, incompetency, improper accounting procedures, or intervention of the forces of nature.

MINOR CRIMINAL OFFENSES

A minor criminal offense is defined as one punishable under the UCMJ by confinement of 1 year or less, or carrying similar punishment by Federal, state, local, or foreign statute and lacking any of the considerations listed in the previous discussion of major criminal offenses.

COMMAND INVESTIGATORS

Certain Navy and Marine Corps commands maintain investigative personnel within Master-at-Arms forces, military police, base police, security or guard forces, shore patrol, provost marshals, and other compositions. Use of these investigators for criminal and security investigations is limited to minor criminal offenses, and those of a purely military character when the offense involves only Navy or Marine Corps personnel or dependents, and the investigation is confined to a ship or station. Off-base investigative activities, with the exception of normal liaison with local law-enforcement agencies, are restricted to a minimum and to the immediate area surrounding the installation.

This policy does not in any way restrict the discharge of assigned police and law enforcement functions by authorized personnel or their responsibilities to execute appropriate procedures on suspicion or discovery of any criminal offense, such as preventing the escape or loss of identity of suspected offenders, preserving crime scenes and the integrity of physical evidence, effecting preliminary on-scene inquiries, investigative assistance under the operational direction of the Naval Criminal Investigative Service, or any other actions that, in the judgment of the responsible commander, are necessary for the immediate preservation of good order and discipline.

Command investigators will be recommended by the security officer for appointment by the commanding officer. Persons who are selected must have received formal training (NEC 2002) and/or be experienced to such a degree that the integrity of investigations will not be compromised and will lead to successful prosecution.

SECURITY AND COUNTERINTELLIGENCE MATTERS

Departmental agreements between Defense and Justice in part implement a Presidential directive that, for the NCIS, establishes exclusive investigative jurisdiction within the Department of the Navy in matters involving actual, potential, or suspected sabotage, espionage, and subversive activities. This is considered to include actual, suspected, or attempted defection. Command referral of matters in these categories to the NCIS is mandatory.

Security matters requiring utilization of the NCIS include the following:

1. Loss, compromise, leakage, or unauthorized disclosure of classified information, when appropriate, in accordance with OPNAVINST 5510.1.
2. Unauthorized attempts to obtain classified or other information of intelligence value from Navy and Marine Corps personnel.
3. Security situations that lend themselves to resolution through the application of counterintelligence operational techniques and counterintelligence studies and analysis of groups or organizations whose interests are inimical to those of the United States, whose actions are targeted against the Navy and represent a clear threat to security. See DOD Directive 5705.42, *Defense Investigative Service (DIS)*.

PERSONNEL SECURITY INVESTIGATIONS

The Defense Investigative Service (DIS) is a separate operating agency of the Department of Defense and provides for the conduct of personnel security investigations (PSIs) for DOD components. The DIS performs this function within the 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The NCIS accomplishes PSIs on behalf of the DIS in other areas and has responsibility for investigative development of matters resulting from personnel security investigations that have a significant counterintelligence or criminal aspect.

INITIATION AND REPORTING OF INVESTIGATIONS

Requests for NCIS support maybe initiated by any commander, commanding officer, or other appropriate command authority in the Navy and Marine Corps, to the nearest NCIS representative. The NCIS is authorized, exclusive of command request, to undertake activities in matters of sabotage, espionage, and subversive activity; and to support on a reciprocal basis other Federal, state, local, or foreign law enforcement, security, or intelligence agencies. Separate from the foregoing, the Director, Naval Criminal Investigative Service and representatives specifically designated by the director are authorized to initiate preliminary investigative action without a specific request in any category of case under NCIS investigative jurisdiction when urgent or unusual circumstances exist.

The NCIS maintains technical specialists qualified to assist commands in their development of a comprehensive audio security posture through the application of technical surveillance countermeasures techniques. (See OPNAVINST C5500.46.)

With the exception of those offenses that are purely military in nature or relate to routine traffic violations, copies of all reports of complaint and investigation by command criminal investigative and security personnel and base police are furnished to the local NCIS representative.

The NCIS will provide a full report of each investigation conducted on behalf of the requesting authority.

The NCIS maintains a central repository for appropriate reports of investigation and pertinent counterintelligence data and provides statistical data on investigative and other matters within its mission responsibility.

CREDENTIALS AND BADGES

Individuals accredited by the Director, Naval Criminal Investigative Service, to carry out investigations and other mission-related responsibilities are issued standardized credentials and badges designating them "Special Agents." Certain personnel are also issued credentials identifying them as "NCIS Representatives." No other persons in the Navy and Marine Corps engaged in investigative, security, or counterintelligence matters are authorized to use these titles. Personnel issued NCIS Special Agent and Representative credentials are cleared for access up to and including Top Secret by the Director, Naval Criminal Investigative Service. They are presumed to have a "need to know" with regard to access to information, material, or spaces relevant to the performance of their official duties. Access to special intelligence and compartmented or similarly controlled spaces, material, or information is cleared by the authority controlling access before the Special Agent or Representative pursues a matter of official concern. NCIS Special Agent and Representative credentials are to be accorded full recognition when presented on entering or leaving installations. Accredited NCIS personnel, vehicles used by them in the course of official business, and all occupants therein are exempt from routine search.

Properly designated personnel assigned to naval security forces, shore patrol, or other activities as command investigators, will carry a Department of the Navy Command Investigator ID

Card (OPNAV 5527/26) signed by the commanding officer. See figure 15-1. Command investigators who are required by their commanding officer to carry badges should use those badges displayed in *U.S. Navy Uniform Regulations*, upon which appropriate wording should be engraved (for example, Security Investigator, Command Investigator, S.P. Investigator, MA Investigator).

CRIMINAL INFORMATION AND INTELLIGENCE OPERATIONS

LEARNING OBJECTIVES: Define the types of criminal information and the responsibilities at the various levels of command. Describe the criminal information process and the system of records and laws.

The successful conduct of law enforcement investigations relies upon the acquisition, processing, and application of certain essential information. Criminal information is a part of police intelligence and as such contributes to the overall Navy intelligence function. The value of criminal information cannot be overemphasized. It not only serves the purposes of investigators but also contributes to the needs of the commander in administering command functions.

DEFINITIONS

Now let's look at the types of criminal information and their definitions.

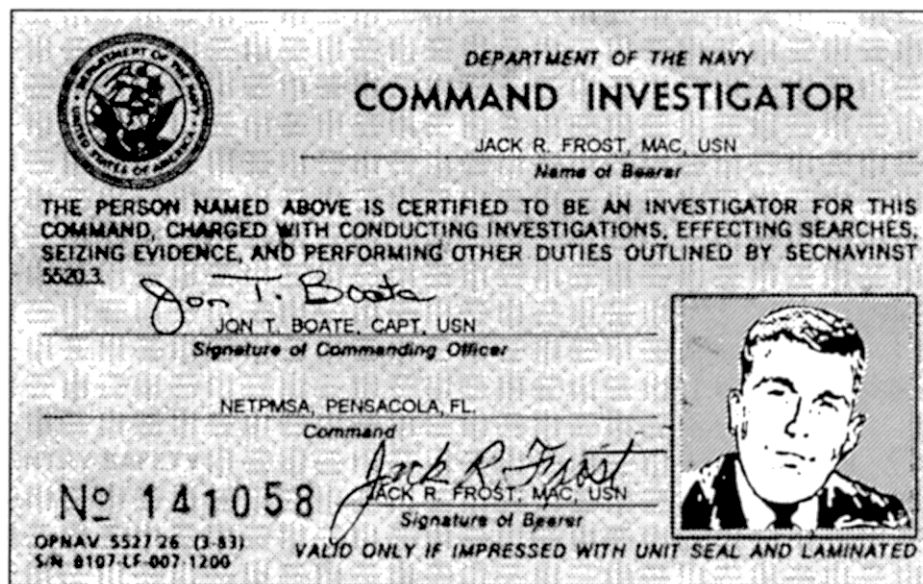


Figure 15-1.—Navy command investigator ID card.

Police information– Processed information relating to criminal activities, police law enforcement and security operations, and incidents that disrupt law and order.

Criminal information– A category of police information applying to criminal activities, violation of criminal law, and crime prevention. Criminal information applies to acts of crime committed by individuals or organized criminal groups–crimes that affect the discipline, law, and order within the U.S. Navy.

Operational information– A category of police information required for planning and executing police law enforcement and security operations.

Source of information– Any person, object, or recorded data from which law enforcement personnel obtain information that may be of investigative assistance.

Essential elements of criminal information (EECI)– Critics items of information pertaining to criminal activities and crime areas that, when related with other available information, provide the investigator or investigating agency the information for reaching conclusions and making decisions. Essential elements of criminal information provide guidelines for the collection of information to assure critical items of information are collected, processed, and disseminated to the appropriate user.

Other criminal information requirements (OCIR)– Additional information requirements that are useful to the collection effort but not immediately essential.

Criminal intelligence operations– Those formalized programs regarding significant criminal activity targeted against or directly involving Navy and Marine Corps personnel to gain information of a criminal intelligence nature for law enforcement purposes.

RESPONSIBILITIES

A high degree of specialized training and experience is mandatory to the successful accomplishment of criminal intelligence operations and, to the extent that they are undertaken within the Department of the Navy, the operations are done exclusively by the NCIS, regardless of location. Criminal intelligence operations are undertaken at NCIS initiative, in close coordination with senior command authority. During their course, these sensitive operations

may cover wide geographic areas and extend across multiple command lines.

All Department of Defense investigative records are indexed within the Defense Criminal Investigative Index (DCII). There are four major contributors to the DCII. These are the Army, Navy-Marine Corps, Air Force, and the DIS. The purpose of the DCII is to reveal past investigative activity involving any subject of an investigation. The NCIS is the contact point for command investigators requesting inquiries to the DCII.

The local command investigators collect criminal information at the local level and may evaluate it for their own purposes, sharing it with other military agencies in the investigative effort. They must also develop sources of information, provide input to the criminal information system, and apply criminal information to investigations.

CRIMINAL INFORMATION PROCESS

The criminal information process is a continuous cycle of interrelated activities directed toward converting raw information into material useful for law enforcement purposes.

Normally, the criminal information process described here is carried on in a large-scale operation. However, for MAs and command investigators, the process may be well-applied at a local level.

There are six steps in the criminal operation process, as follows:

1. Planning and Collecting. Planning for collection of information is needed at all levels. Short-, medium-, and long-range requirements should be established.

Priority areas of interest, expressed in the EECI and OCIR, are required due to resource limitations. They are not permanent, and the areas of interest will vary. Subordinate commands support the EECI and OCIR of higher commands and may establish their own priorities to meet local needs.

The individual investigator is the key to a successful collection effort. During daily activities, the investigator should look for information as specified in EECI and OCIR. The collection effort is continuous and should be aggressively pursued to be effective. Though priority will be placed on EECI requirements, the collection of other useful criminal information must be emphasized.

Available sources of information are unlimited as long as they are energetically used. Historically, the

police have relied upon people and other agencies for information. Informants have always supplied an important part of the information received.

2. Evaluating Criminal Information. The evaluation of criminal information involves determining the reliability of the source and the accuracy and pertinency of the information.

The individual investigator collecting the information is best able to judge the reliability of the source, particularly when it comes from informants. This determination is dependent upon past experience with the source. This evaluation of the information's accuracy and pertinency is best determined by the individual investigator and the local police operation.

Information processed by higher levels is evaluated in relation to other known information and prevailing circumstances. Information corroborated with other sources will generally be evaluated as more accurate.

3. Analysis. Analysis of information is conducted at all levels of the criminal information collection activity. The best basis on which to conduct analysis is experience. Additionally, the information may be subjected to various types of analyses (such as statistical analysis, operations research, systems analysis, and computer analysis).

Information is analyzed by itself before it is integrated with other information, to determine its value and to identify significant elements. It is then combined with other information. Analysis is the asking, "What significance does this information have? What does it mean?"

4. Collation. Collation is combining information with related information. This allows examination of all available information and presents the greatest possibility of deriving sound theory and judgments.

5. Reporting. Reports of criminal information may be as brief or as complex as is necessary. The reports should be tailored to the needs of the principal user and objectively prepared so the user can make sound decisions when using the information. Reports should be logically and concisely prepared and show what is positive information and what information is inferred or theory.

6. Dissemination. Criminal information is useless unless placed where it can be used. Dissemination of information should be made to law enforcement and command channels when required. The information should be valid. However, strict control should be used in the entire information process. For these reasons,

various records should be maintained, and certain restrictions should be followed in disseminating.

SYSTEMS OF RECORDS

The Privacy Act of 1974 requires that a public notice be published in the *Federal Register* for each system of records before it becomes operational; that is, before any information about individuals is collected for indexing into it. Each "routine use" of a system of records must have been established in a notice published for public comment at least 30 days prior to disclosure of a record for that "routine use." *Personal Privacy and Rights of Individuals Regarding Records Pertaining to Themselves*, SECNAVINST 5211.5, contains detailed guidance on the formats to be used by agencies in publishing their public notices. An agency should identify in its system all categories of its records; for example, reports of investigation, name index file cards, informant card file, modus operandi file. There are no built-in or automatic exemptions or exclusions, even for such categories of records as informant registers.

LAWS

The Privacy Act of 1974 provides for individuals to have access to their personal records, with certain limited exceptions—most notably for records collected for law enforcement purposes. SECNAVINST 5211.5, which implements the Privacy Act of 1974 and DOD Directive 5400.11 for the Department of the Navy, delineates policies, conditions, and procedures that govern collecting personal information; and safeguarding, amending, and disseminating personal information kept by the Department of the Navy in a system of records. Except for a systems-wide exemption of properly classified material, a system of records carries only those exemptions expressly authorized for it by the Secretary of the Navy and duly published. Even though an exemption maybe permitted, in keeping with the spirit and intent of the Privacy Act of 1974, information from individuals' records will be released to them unless significant and legitimate governmental purposes exist for withholding them.

The Freedom of Information Act applies more broadly to persons seeking many kinds of records, not just their own. It is the principal law of openness in the Government. Access by individuals to their own files (see SECNAVINST 5211.5), falls under the provisions of the Privacy Act of 1974, regardless of whether either, both, or neither Act is invoked. Further, one Act may not

be used as a basis for denying that which would be available under the other.

Each command should have a designated information and privacy coordinator, whose principal functions areas follows:

1. To act as the local point of contact for implementing and administering the privacy program within its jurisdictional area.
2. To ensure that the published system of records describes those personal records retained by components within the command.
3. To ensure that disclosure of personal information and accounting records are made in accordance with SECNAVINST 5211.5.
4. To provide proper and continuing training of personnel connected in any way with personal records systems.

Denial of information can be made only by designated denial authorities. For further discussion on denial, see paragraph 4.c. of SECNAVINST 5211.5.

The requirement to inform individuals verbally and in writing of the purpose to which the collecting agency intends to put personal information collected about them does not apply for that information collected for law enforcement purposes, if first authorized by the Secretary of the Navy. For discussion see paragraph 9.b. of SECNAVINST 5211.5.

Disclosures of information from a system of records must be consistent with the disclosure provisions of the Privacy Act of 1974 at 5 U.S.C. 552a(b), and with the "routine uses" established by the agency in its system of records. It is a requirement that a written account of all disclosures made outside the Department of Defense be kept with an individual's file. An agency's "routine uses" must specify intended use of its information to state, local, and foreign investigative, criminal investigative, and intelligence agencies for law enforcement and mutual protection/security purposes for such disclosure of information to be legal.

An individual may not be denied a right, privilege, or benefit because of refusal to disclose his or her social security number (SSN) unless such disclosure is required by Federal statute or required by a system of records in existence and operating before 1 January 1975. The Department of the Navy is authorized by Executive Order 9397 to use the SSN as a system of numerical identification of individuals. For discussion,

see paragraph 9.c. of SECNAVINST 5211.5 and section 7 of the Privacy Act of 1974.

INFORMANTS

LEARNING OBJECTIVES: Explain the importance of informants in the investigative process. Describe the selection of informants and list the various motives of informants. Describe the management and control of informants and the techniques used with members of the opposite sex and juveniles. Determine the appropriate meeting places with informants and explain how informants should be treated. Discuss the legal status of informant information with regard to various court decisions.

Criminal acts, when carried out in ways that afford the most concealment, often provide little in the way of tangible leads for the investigator. By the time MA or command investigators arrive at the crime scene, the suspect has usually disappeared. Physical evidence is examined during the course of an investigation. By itself, the physical evidence gathered seldom identifies the perpetrator. Often, physical evidence will only place the suspect at the crime scene once he or she has been brought under suspicion.

Like physical evidence, people are a source of information, and probably the more important of the two. In addition to the victim and witnesses, an informant could be a valuable source of information for the investigator. The informant is often the most direct and fastest contact with criminal elements, and might provide information in a few minutes that would otherwise require an extensive investigation to uncover.

The requirements for the management of informants by Navy security force personnel are contained in chapter 16 of the *Navy Law Enforcement Manual*, OPNAVINST 5580.1.

SELECTION OF INFORMANTS

People seek social contacts with others, are curious about those around them, and note conditions unfamiliar to them. Feelings of suspicion are based on such observations. Many criminals have been apprehended just because something did not seem right to the investigator.

People seek recognition for their deeds and are prone to pass on rumors about the deeds of others. This

trait makes complete secrecy difficult. It also creates the situation in which, if informants are properly handled, criminal exploits can come to light.

All people can be sources of information, and in the broad sense of the term, can be referred to as informants. A partial listing of those within the military community who can provide information that could enhance an investigation includes unit mail clerks, medical personnel, club or mess employees, public works maintenance personnel, newspaper carriers, base telephone personnel, and custodial personnel.

During the selection process, due consideration should be given to the informant's health (mental and physical), age, education, personality traits, experience or employment history, financial status, and criminal background. Failure to consider the whole person can result in wasted time and money.

Perhaps the most important consideration is an informant's reliability. All new information is verified through other reliable sources or, when an informant's reliability is being tested information known to and controlled by the investigator is solicited from the informant being evaluated. This procedure enables the investigator to assign a tentative degree of reliability to individual informants.

An informant's status is never viewed as a license for present or future misconduct. It is not only unethical, but also illegal (Art. 77, 78, 81, MCM), for any investigator or agency to establish a protective allegiance with those who have complicity in a criminal act.

MOTIVES OF INFORMANTS

The use of informants has often been criticized on moral and ethical grounds. The public tends to believe that law enforcement personnel condone and actually protect the criminal activity of an informant in return for his or her services. The informant is willing to furnish information for one or more of a number of reasons, none of which involves protection.

The investigator has the responsibility for evaluating the informant and the information given to arrive at the facts. Thus, the informant's motivation is important, and the investigator should attempt to determine what motivates each informant.

The Fear Motive

Self-preservation is the first law of nature. It might be expected, therefore, that an emotional reaction

favorable to the investigative effort could result when a prospective informant is afraid of something. It could be a fear of the law or its enforcers.

For example:

SN Boate is apprehended during the commission of a commissary warehouse larceny. Two accomplices escaped at the approach of the security patrol that apprehended Boate. This larceny attempt was the third such theft in the last month, and each of the previous larcenies showed a similar modus operandi.

It is one of the practical facts of law enforcement that under such conditions the accused looking for sympathy, extenuation, mitigation or whatever they think might improve their lot, are often disposed to give a full account, or at least some account, of their crimes or those committed by others within their knowledge. The informant thereby may furnish the investigator with direct evidence against other criminals or show how such evidence might be obtained.

Where such disclosures involve higher-ups or implicate others, this sort of development is very much to the advantage of law enforcement personnel. The practical effect in the police-informant relationship in this situation is a matter to be considered in mitigation before sentencing takes place.

One point must be stressed—a suspect undercharges cannot be expected to produce information simply because he or she has been apprehended

When the information is not forthcoming, it must not be supposed that the suspect does not have information or, that possessing it, is not willing to furnish it to the investigator. If information is to be obtained under these circumstances, the suspect must feel that such information will be welcomed and that the investigator will do whatever can be done to protect the informant from disclosure that he or she is the source of information.

The fear motive is not necessarily restricted to a fear of the law or its consequences.

It happens on occasion that an informant is a criminal who fears those associates who can, in the informant's opinion, mete out a more drastic form of punishment than military law. The informant, then, may be a frightened person who sees in the forces of the law the lesser of two evils.

Revenge Motives

Revenge may overwhelm the informant with an all-consuming desire for retaliation. That retaliation can take the form of disclosure of information to the authorities. It may arise again from a lack of honor among thieves. Sometimes it may come only from a feeling by a member of a criminal group that the member is being discriminated against or is not given the preferential treatment or opportunity to which that person is entitled. A desire for revenge sometimes arises from factors independent of criminal activities. Jealousies and quarrels over women or men can cause the closest of friends to become bitter enemies.

Perverse Motives

In this category are those motives of the informant who makes a disclosure in the hope of gaining some unusual advantage. An example of this type of informant is one who provides information on others engaged in a similar criminal activity to reduce the competition. In this category also are the operations of criminals who give worthless or trivial information, hoping that it will stimulate a reaction on the part of the investigator that will disclose the extent of police knowledge about the informant's activities. In this class also is the criminal who sees that law enforcement personnel receive false and misleading information, which might tend to divert suspicion from the informant's activities.

Egotistical Motives

A common characteristic of humanity seems to be that people take pleasure in spreading news to interested listeners. The petty offender who can enlist the undivided interest of an investigator with a meaty story gets a real kick out of the operation. The informant's ego is particularly enhanced if, by giving bits of information on the criminal activities of more notorious offenders, his or her importance is magnified.

Because the informant who is egotistically motivated often has a tendency to prattle, the investigator must be willing to listen to everything the informant has to say, or the investigator runs the risk of ignoring what might prove to be very valuable information.

Mercenary Motives

This type of informant provides information for the sole purpose of financial gain. The informant's interest is to sell information for the highest price. The

information obtained from this informant is generally good; however, it can backfire if sold to a higher bidder or if it purposely misleads to sabotage the police effort.

Reform Motive

Occasionally, an informant will come to the authorities to repent wrongdoing because of a desire to make restitution, or to break with criminal elements. Although infrequently encountered, this type of informant can provide valuable information and, when properly managed, can become an excellent continuing source of police information.

Gratitude

A skillful investigator can develop a sense of gratitude in potential informants. Using this, the informant may wish to express appreciation by furnishing police information in return for the investigator's providing certain ethical assistance. A mere concern for the welfare of the informant may create this sense of gratitude.

Demented, Eccentric, or Nuisance Motives

A few people provide information because of a peculiar quirk in their personality. Generally, such informants are more of a bother than they are of value. However, they should never be cut short—each should be given the opportunity to tell his or her story, and it should be checked out. There may always be that one chance that the information given will provide the missing link in an important case.

INFORMANT MANAGEMENT

Occasional allegations of unethical, immoral, and possibly illegal arrangements between investigators and informants underline the need for effective police management of the informant. Additionally, it must be remembered that the individual investigator is an agent of the Government and does not "own" the informant.

Traditionally, the identity of an informant was known only by the individual investigator with whom he or she worked. But if the investigator happened to be assigned to other cases, then the value of the informant was lost.

The identity of the informant should be maintained in one central file. Identity should be kept confidential, and complete security of this file should be maintained. Only the investigator's superior should have access to

this central file, and only on a need-to-know basis. This file should contain all the information known about the informant.

Each dossier should contain the results of a discreet inquiry into the informant's background, including occupation, associates, income, and criminal record, if applicable. Pertinent background data, such as general attitude toward assisting the police, known idiosyncrasies, and suggested time and place of contacts should be included.

Within the file, a record of all transactions with the informant should be maintained, including a resume' of cases worked on and an up-to-date evaluation of the informant's reliability. A constant effort should be made to keep the file current. This will help ensure that a valuable informant is not lost to the investigating unit.

The informant should be assigned a code name or number, and that name should appear in all reports. A cross-reference file is useful, but it should be maintained with the same degree of security as the master file. The informant's name should never appear outside the master file.

An informant locator file can be maintained apart from the master file if it eases operations and does not merely create work. This file should be indexed by different classifications such as the informant's associates, connections, operation, and area in which operated. It also should be available to other investigators.

Through the use of this locator file, it can be determined if an informant is available in a particular field of inquiry. When an investigator locates an informant in the locator file, a request is made for contacting arrangements. In this way, greater use is made of an informant's knowledge without compromising his or her identity.

If it is known that a person is informing for another investigator, it is unwise to mention that to the informant in a casual encounter. Security is the paramount consideration in the continued use of a person furnishing information.

An informant program should be expertly handled to preserve the integrity of the investigating unit and to ensure the safety of the informant. The program should be developed and operated to effect maximum use of the informant for the benefit of the entire agency. It should be strongly supervised and based upon legal and ethical prescriptions.

INFORMANT CONTROL

An individual member of the investigative unit and one alternate should be assigned to each informant. Ideally, the investigator who first developed the informant should be assigned to him or her. All contacts with this informant should be made by the assigned investigator, even when it is the investigator's only role in the case. The alternate investigator can become acquainted with the informant by occasionally accompanying the investigator assigned to the informant when contacting the informant. The alternate investigator will facilitate the necessary contacts at some future time if the regularly assigned investigator is not available.

The value of having one investigator call upon the informant is to avoid repetitive demands on the informant's time and to circumvent personality conflicts. One investigator making all of the contacts, being fully aware of the pitfalls that may be encountered, will expeditiously and economically keep relations on an even keel, and will actually attain much more cooperation than could otherwise be gained.

One of the principal responsibilities as a control investigator is to evaluate the informant and estimate reliability. The information received should be tested for consistency by checking against the information obtained from other sources. The motives and interests of the informant should always be considered in the evaluation.

INVESTIGATOR COMPROMISE BY INFORMANTS

Informants come from all walks of life and are often opportunity motivated. The investigator must never allow an informant to compromise his or her integrity or the integrity of the investigation with claims of sexual misconduct. Meetings with informants of the opposite sex should be conducted in a public setting or at least within sight and sound of other people. If the nature of the investigation and/or the confidentiality of the informant dictates, meetings may be more clandestine. In this event, the meeting should be attended by two investigators. This procedure should be followed anytime the investigator believes an informant may make claims of misconduct.

JUVENILE INFORMANTS

Society has placed juveniles in a special category. The civilian criminal justice system provides for

juvenile courts, special recordkeeping procedures, youth detention centers, and the like. It follows, therefore, that juvenile informants require special handling.

Common sense, coupled with a strict adherence to the requirements of military law, guides the investigator in dealing with juvenile informants to ensure they are not abused or taken advantage of.

MEETING WITH INFORMANTS

The selection of a meeting place, on each occasion, should be made by the control investigator and not by the informant. The location and time should vary with due consideration to both the investigator's and the informant's normal routines.

There may be occasions when contacting the informant directly is undesirable. An unlisted telephone in the investigator's office is useful in this situation. When you answer such a telephone, simply say "hello" and not "Investigations, Investigator Jones speaking." If pressed for more information by an unknown party, repeat the telephone number but provide no further comment.

Other methods of contacting the informant may also call for guarded or unguarded letter drops, or the mail. Always prepare an informant with a cover story in the event he or she is observed in the company of the control investigator. The cover story should be simple and acceptable to any casual observer. Careful judgment in communicating will avoid revealing the status of the informant.

Meetings should be held at a place other than the investigator's office and should be planned so as not to create a recognizable pattern.

The informant's identity should not be revealed in any communications.

TREATMENT OF INFORMANTS

The treatment of informants is a delicate matter because of the variety of motivations present. Each informant will be different, and treatment of each must differ accordingly. However, certain rules are applicable:

Avoid the use of derogatory terms. An investigator may be working with unscrupulous or despicable persons. To some, the label "informant" may conjure up many derogatory connotations, such as *stool pigeon*, *traitor*, *double-crosser*, *rat*, *fink*, and *squealer*. It should

be obvious that these terms have no place in the police-informant relationship. Any informal use of such derogatory words will endanger rapport.

One of the most compelling deterrents against informing is the hatred that can come from other people. Although the investigator may have some similar feelings, the language used should not reveal this attitude. Substitute a term like *source* or some other similar term.

Express appreciation by encouraging and complimenting the informant for all information received, regardless of its value. A conversation often starts out, "I don't know if this is worth anything, but . . ." only to turn out to be the information being sought. Encouragement should not be interpreted to permit an informant to take charge of any phase of the investigation, although some informants will try it, intentionally or not. The investigator should not share investigative information with the informant. Revealing information will establish a susceptibility to double-cross.

Make good all promises and make no promises that cannot be kept. Do not promise the informant that he or she will not go on trial for certain crimes. The investigator can, however, make good a promise to notify the trial counsel of the informant's cooperation in aiding the investigative effort. The investigator must be scrupulous in the fulfillment of all promises made. Any other policy will result in a lack of trust and the loss of the informant, to say nothing of the investigator's self-respect.

There are many guides to remember when dealing with an informant, such as keeping appointments on time, even though the informant may not appear. Don't become anxious. Be patient. Investigate all leads. The fact that a previous tip was of no value after investigation should not be cause for automatically discounting other tips. Be noncommittal about the value of the information received. Consider all information from informants as valuable until proven otherwise.

LEGAL STATUS OF INFORMANT INFORMATION

Generally, military courts will treat informant information as hearsay and evaluate it for reliability in making probable-cause determinations, as in an application for a search warrant. If it can be established that the hearsay information is reliable and credible, the court can accept it under certain conditions.

In contrast, if the court is skeptical about the informant's reliability, it may reject the information. The court will look at the source of the information. If it is from reputable citizens (public officials or informants with a history of reliability), it will carry more weight than if it is from anonymous phone calls, known criminals, or informants whose reliability is questioned or unknown. The court will also evaluate information in terms of the corroboration made by comparing the specific allegations with the circumstances and events.

A guiding case that demonstrates conscientious efforts to corroborate information is found in *Draper v. United States*, 358 U.S. 307 (1959).

A reliable informant identified the defendant to the police by physical appearance (skin complexion, height, weight, size, sex), and dress (color and type of coat and hat), as well as what he would be carrying (black satchel with narcotics), and stated which train he would be on. The policemen met the train and observed the defendant, exactly as described, get off the train. They apprehended Draper and recovered the narcotics in the black satchel.

The U.S. Supreme Court found that the events observed by the policemen substantially corroborated the information. The Supreme Court held the apprehension to be lawful and the search for narcotics incidental to a lawful apprehension.

The Supreme Court in *McCray*, 386 U.S. 1042 (1967) strengthened the Draper ruling. Policemen who make apprehensions based on information furnished by a reliable informant and are able to establish past reliability or independently corroborate the information ordinarily need not disclose the informant's identity, and the apprehension will be lawful.

The informant's background and source of knowledge are essential in evaluating information. The Supreme Court held in *Aguilar v. Texas*, 378 U.S. 108 (1964), that it was insufficient for the policeman to simply tell the judge in an application for a search warrant that the informant had previously proved to be reliable or that the policeman knew the informant was reliable. That affidavit was inadequate because, first, the underlying circumstances necessary to enable the magistrate to independently judge the validity of the information were not set forth and, second, the policeman did not attempt to support the claim that the informant was credible or the information reliable.

The Supreme Court held in *Spinelli v. United States*, 393 U.S. (1969), that when corroboration of the informant's tip did not provide more than mere suspicion that a crime was probably being committed,

then the information was insufficient. Further, that a simple assertion of suspicion that Spinelli was a known gambler was not itself a sufficient basis. The court's main concern was not that the information was so insubstantial, but rather that it needed further support. In the Spinelli case, the affidavit fell short of the standards set forth in *Aguilar* and *Draper*. The court further stated it was not retreating from the established proposition that only the probability and not the prima facie showing of criminal activity was the standard of probable cause. However, the unsupported assertion or belief of the policeman did not satisfy the requirement of probable cause.

In *United States v. Barton*, II J.J. 230 (CMA 1981), the court stated that the reliability of informants could be established in various ways and was not restricted to establishing previous reliability in terms of apprehensions, convictions, and so forth. In that instance, the police established reliability by obtaining information separately from two informants, and the interlocking of details in the two accounts established probable cause.

As a general rule, the trial counsel has the privilege of withholding the identity of persons who have furnished information. However, in situations where no corroboration or reliability of the information is established, the informant's identity may have to be revealed. The case may have to be dropped rather than have the informant testify in court. Unless there is a previous agreement regarding the court appearance, an informant should not ordinarily be required to appear in court.

If the informant has done more than merely provide a lead, then it may be shown that he or she is a material witness whose testimony would be of value to the defense. The informant's testimony would be relevant to the accused's defense and essential to a fair determination of the case if the informant participated in the crime, assisted in planning the crime, or was involved in some overt act encompassed by the crime. If the informant aided in the actual investigation by accompanying the investigator to the crime scene, or helped with a surveillance, observed the crime, or was present when the defendant was arrested, the informant's importance to the defense must be recognized. (See rule 507, Military Rules of Evidence, *Manual for Courts-Martial*, 1984 (rev).)

OBSERVATION, DESCRIPTION, AND IDENTIFICATION

LEARNING OBJECTIVES: Explain the meaning of *observation*, and describe the techniques used in observation and description. Explain the importance of accurately evaluating the data provided by witnesses. Describe the techniques that should be used for a lineup.

In police work *observation* means perception of details pertaining to persons, objects, plans, and events through the use of the five senses. An investigator makes *descriptions* to convey to others his or her own observations or the observations of witnesses as reported to the investigator. Identification by a witness or victim is the art of establishing the relationship of a person, place, object, or event to an incident or offense.

Further information on methods and techniques used for observation, description, and identification can be found in the *Navy Law Enforcement Manual*, OPNAVINST 5580.1.

OBSERVATION TECHNIQUES

As observation techniques are accomplished through the use of the five senses, sight and hearing are relied upon most often. The senses of taste, smell, and touch may occasionally be used advantageously.

The investigator must be able to observe accurately to recognize infractions of the law, persons, and objects of interest to law enforcement and crime prevention programs. Keen observation is necessary to perceive investigative leads, to evaluate the validity of statements by witnesses, and to make accurate reports. The ability to observe accurately is developed through practice and experience.

It is essential that, as the investigator, you be aware of influences that tend to impede or otherwise affect observation. You need to be able to recognize and compensate for those elements and factors that may detract from your ability or the ability of others to observe accurately.

Events or remarks that are meaningless when seen or overheard by the layman maybe of great significance to the trained and experienced investigator. To assist in remembering observations, you should make extensive use of photographs, sketches, notes, and other recording methods.

Persons

Diligently observe individuals either to be able to describe them or to identify them from descriptions made by others.

Deliberate observation should proceed methodically as follows:

First: General characteristics, such as sex, race, color of skin, height, build, weight, and age.

Second: Specific characteristics, such as color of hair and eyes, shape of head and face, distinguishing marks and scars, mannerisms, and habits.

Third: Changeable characteristics, such as clothing worn, use of cosmetics, hair styling, at time of observation.

When attempting to identify a person from a description, the pattern of observation maybe modified or even reversed, particularly if the individual sought has some very noticeable personal characteristic-for example, a man with a limp or a very tall woman.

After first noting such a characteristic, further observation of general characteristics (such as height, weight, and age) and additional specific characteristics may then complete the identification of the individual as the person being sought.

Objects

When observing physical objects for later description or to locate a previously described object, follow a pattern proceeding from general characteristics to specific characteristics.

The method of observation proceeds as follows:

1. General type of item, including size and color.
2. Specific distinguishing characteristics, such as a sun roof in an automobile, or a portable-type radio or typewriter.
3. Make and model designation, when applicable.
4. Distinguishing marks indicating damage or alteration, such as a broken headlight, a repainted fender, or a missing handle, or scratch on a piece of luggage.
5. Identifying number(s), marking(s), or label(s), when present.

Places

Detailed observation of specific places is usually made to establish the exact scene of an incident or crime, or to detect relevant evidence. The purpose may be to relate to an incident or crime such information as has been previously obtained from witnesses as the result of their observation of persons, objects, or events.

The basic pattern of observation may vary, depending on whether the place observed is in the open or inside a building or structure.

Outdoors. Most outdoor places observed either will contain or be relatively near natural or manmade landmarks that may be used to pinpoint the general location. Frequently, however, outdoor locales may not have well-defined boundaries or delimiting terrain features, such as roads, fences, streams, buildings, or wood lines. Consequently, you must develop the ability to mentally assign limits to the area to be observed. Such limits should preclude both overextension and illogical limiting of the area observed. A convenient procedure is to observe details such as the following:

1. General location and its proximity to such outstanding terrain features and landmarks as roadways, railways, streams, or shorelines.
2. Exact location in relation to specific fixed or semifixed features such as buildings, bridges, telephone and powerline poles, and pathways.
3. Outstanding objects or features within the scene.
4. Details of the scene and details of items of particular interest.

Indoors. The observation of indoor scenes is simplified by obvious and definite boundaries, such as the walls of a room, the area of a hallway or basement, or the confines of an apartment. On the other hand, indoor areas contain many specific objects, which can complicate the task of complete observation. Because of this latter aspect, it is particularly important in the case of indoor scenes that a methodical pattern of observation be used. Normal procedure is to determine the following, in order:

1. Location of the place to be observed including section of building in which located, such as front or rear, floor level, and so forth. Relationship to building entrances and distances to stairways, elevators, and so forth, should be noted.
2. Room number or other designation.

3. Details of immediate entrance(s) to the specific area of interest.

4. Objects located within the area. Use a clockwise or other methodical progression of observation from a designated initial point.

5. Exact location in relation to other objects of specific interest.

Events

In most instances, you are called to the scene after an incident has occurred or a crime has been committed, but seldom observe the complete event as it is occurring. However, your observation of connected actions after the event may supply major clues as to what has occurred.

Such a small, but often very significant action or circumstance as an inappropriate remark, a state of excitement, a sly gesture or glance, an expression of unusual curiosity, or an unlikely profession of lack of knowledge may often provide the trained observer with the necessary lead to develop an important aspect of an investigation.

Similarly, significant information may often be deduced from such details as the way a fire burns, the presence of certain fumes or odors, the pitch of a voice, or the warmth of a body. Such deduction may aid in the reconstruction of an event with respect to its cause or origin and its progression.

The ability to promptly recognize related collateral acts or conditions, and to interpret them correctly in the light of other circumstances to develop information of the main event as it occurred, is an investigative skill you need to develop carefully.

Facts to be determined concerning an event are the time of occurrence, location, sequence of action, objects and persons involved, and resultant factors.

If present when the event occurs, you must be able to observe objectively, accurately, and rapidly all essential factors of time, place, persons, objects, and actions involved, as well as the immediate results of the event. These factors are involved in the essential questions of when, where, who, what, and why.

The ability to accurately observe actions and events through using all five senses is a skill developed only through concentrated training and practice. Complete and accurate observation is the result of conscious, applied, effort rather than mere chance.

DESCRIPTION TECHNIQUES

Descriptions will normally be written or verbal, but may include signs, gestures, sketches, and other means of imparting information. It is essential that you be proficient in both written description (for report writing) and verbal description (for appearances as a witness in legal proceedings).

Persons

Every individual has some distinguishing characteristic or combination of characteristics that set him or her apart from other persons. These distinctive features are the most important part of the description of a person.

It is important that you be able to describe persons so completely and accurately that others will be able to readily recognize the individuals described. As in the case of observation, accurate description is facilitated by following a pattern, which normally proceeds from general characteristics to specific characteristics.

GENERAL CHARACTERISTICS.— The following commonly accepted and understood words, terms, and methods are recommended for use in describing general characteristics of a person:

- Sex.
- Race—Caucasian, Black, Native American, Hispanic, Mongolian, or Malayan.
- Height—exact or estimated. When the height is estimated that should be clearly indicated. A convenient method of estimating height involves simple comparison with your own height. For purposes of simplification, estimated height may be stated in 2-inch blocks, such as 5 feet 8 inches to 5 feet 10 inches, 5 feet 10 inches to 6 feet.
- Build (including posture).
- General—Large, average or small (slight).
- Specific—Obese (very stout), stout, stocky, medium, or slim (slender).
- Posture—Straight (erect), medium, or stooped.
- Females—In describing the build of a woman, bear in mind that, while the descriptive terms listed above are equally applicable and may be used there are basic differences in build and body proportions between the male and female figures. The female figure is normally smooth and rounded, while the male figure

tends to be angular with distinct muscular definition. An important part of the description of the build of a female is the appearance of the bust, which should be described as flat, medium, or heavy.

- Weight—exact or estimated. When the weight is estimated, that should be clearly indicated. As in estimating height, a convenient method for estimating weight is by comparison with your own weight. Estimates should be stated in 10-pound increments, such as 160 to 170 pounds, 170 to 180 pounds.

- Age—actual or estimated. When the age is estimated, that should be clearly indicated. For convenience, age may be estimated in multiples of 5 years. In describing a person's age, it may often be of particular importance to indicate not only the actual age but also the general age indicated by appearance.

- Complexion—pale, fair, dark, ruddy, sallow (sickly pale) or florid (flushed). Clear, pimpled, blotched, freckled, pockmarked, and so forth. In the case of a female, the description should include makeup habits such as none, light, heavy, or other applicable term or phrase. For persons of the Black race, complexion should be described as light brown, medium brown, dark or olive.

SPECIFIC CHARACTERISTICS.— In the interest of thoroughness and uniformity, you should pattern both your observation and your description of the specific characteristics of a person along systematic lines, normally beginning with the head and progressing downward.

The following words, terms, phrases, and methods are recommended for standard use in describing specific personal characteristics:

- Head—Size and shape—Large, medium, or small; long or short; broad or narrow; round, flat in back flat on top, egg-shaped, high in crown, bulging in back and so forth.
- Profile—Divide mentally into three parts or sections. Each third is then described in its relationship to the whole and in separate detail. Except in the case of peculiarities, the description of the profile is not normally as important for identification purposes as is the description of the frontal view of the face.
- Face—Round, square, oval, broad, or long (as seen from the front).
- Hair—Color as blond (light or dark), brown (light or dark), red (light or dark), auburn, black gray, streaked with gray, or white. In the case of bleached, tinted, or

died hair, both the artificial and the natural color should be indicated when possible. Density, as thick, medium, thin, or sparse; hairline, as low, medium, receding, receding over temples, and so forth. Baldness should be described as complete, whole top of head, occipital, frontal, receding, or the appropriate combination of types. Hair type, as straight, wavy, curly, or kinky; hair texture, as fine, medium, or coarse. Appearance, as neat, bushy, unkempt, oily, or dry; hairstyle, as long, medium, or short; parted on left, parted on right, parted in center, or not parted. Current descriptive terms of hairstyles which are readily and widely understood should be used as appropriate. Wigs, toupees, and hairpieces should be described carefully and in detail. The careful observer can often determine whether a person is wearing a toupee or other hairpiece from such indications as difference in hair texture, color, density, type, or appearance. Furthermore, the arrangement of false hair will often be too nearly perfect, and the edges of the hairpiece will often be evident upon close scrutiny.

- Forehead—High, medium, or low. Slope, as receding, medium, vertical, prominent, or bulging; width, as wide, medium, or narrow. Wrinkles or age lines, as none, light, deep, horizontal, curved (up or down), or vertical.

- Eyebrows—Color, including any difference from hair color. Slant from center (horizontal, slanted up, slanted down). Line, as straight or arched separated or connected; texture, as heavy, medium, or thin; hair, as short, medium, or long; plucked; penciled. In describing females, it is often important that both the natural and the artificial appearance and contour of the eyebrows be indicated.

- Eyes—Note color of eyes.

- Nose—Concave, straight, convex (hooked), reman, or aquiline. Nostrils should be indicated as medium, wide, or narrow; large or small; high or low; round, elongated, or flaring. Peculiarities, such as broken, twisted to right or left, turned up, pendulous, hairy, deep-pored, and so forth, should be carefully noted and reported.

- Mouth—Size (as viewed from front), small, medium or large. Expression, as stern, sad, (corners drooping), pleasant, or smiling. Peculiarities, such as prominent changes made when speaking or laughing, twitching, habitually open, and so forth, should be indicated.

- Lips—Thin, medium, or thick (as viewed from front); long, medium, or short (as viewed in profile).

Position, as normal, lower protruding, upper protruding, or both protruding. Color. Appearance, as smooth, chapped puffy, loose, compressed, tight (retracted over teeth), moist, dry, and so forth. Harelip and other peculiarities should be carefully noted. In the case of females, color, type, and extent of lipstick should be described. In this connection, be alert for the use of lipstick to alter or accent the natural appearance of the lips.

- Mustache and beard—Color, including any difference from hair color; style and configuration; and state of grooming (unshaven).

- Teeth—Color; receding, normal, or protruding; large, medium, or small; stained decayed, very white, broken, false, gold, flared, uneven, missing, or gaps between teeth.

- Chin—Normal, receding, or jutting (as viewed in profile); short, medium, or long (as viewed from the front); small, large, pointed, square, dimpled cleft, or double.

- Ears—Small, medium, or large. Shape, as oval, round, triangular, rectangular, or other appropriate term. Lobe, as descending, square, medium, or gulfed. Separation from the head should be described as close, normal, or protruding; and setting (based on a line extended horizontally back from the outside corner of the eye, which crosses the normally set ear at the upper third) should be indicated as low, normal, or high.

- Hearing aids—Hearing aids should be described in detail as to type (such as inside the ear, behind the ear, with cord, cordless), color, and ear in which worn.

- Cheeks—Full, bony, angular, fleshy, sunken, or flat. Cheekbones, as high (prominent), medium, or receding. In the case of women, makeup habits should be noted.

- Neck—Short or long; straight or curved; thin or thick. Adam's apple as large (prominent), medium, or small.

- Shoulders—Small, medium, or heavy; narrow, medium, or broad; square or round, level or one side lower. As seen in profile, straight, stooped, slumped, or humped.

- Arms—Long, medium, or short in comparison to rest of the body (average or medium arms terminate with the heel of the hand about halfway between the hips and the knee when the arms are hanging naturally). Muscles, as slight, medium, or heavy.

- **Hands**—Small, medium, or large in relation to the size of the individual. Peculiarities should be noted in detail.

- **Fingers**—Long, medium, or short; thin, medium, or thick (stubby). Deformities, such as missing fingers, disfigured nails, crooked fingers, and so forth, should be carefully indicated.

- **Trunk.**

- **Overall**—Long, medium, or short (in relation to rest of body).

- **Chest**—Deep, medium, or flat, as seen in profile; broad, medium, or narrow, as seen from the front.

- **Back**—Straight, curved, humped, bowed, and so forth, as viewed in profile; straight or curved, as viewed from the rear.

- **Waist**—Small, medium, or large.

- **Abdomen**—Flat, medium, or protruding.

- **Hips**—Broad, medium, or narrow, as seen from the front; small, medium, or large, as seen in profile. In this connection, keep in mind the basic differences between male and female figures, as discussed earlier in this section.

- **Legs**—Long, medium, or short in comparison to rest of the body (average or medium legs combined with the hips constitute about half the body length); straight, bowed (bandy), or knock-kneed; muscles as slight, medium, or heavy.

- **Feet**—Small, medium, or large in relation to body size. Deformities and peculiarities, such as pigeon-toed, flat-footed, clubfooted, should be carefully recorded.

- **Marks and scars**—Such identifying marks as birthmarks, moles, warts, tattoos, and scars should be clearly described as to size, color, location on the body, and shape.

- **Speech**—The tone and manner of a person's speech may often be very important aspects of the complete description. Habitual tone should be indicated as low, medium, or loud; soft or gruff; or by other descriptive qualities. The person's manner of speaking should be indicated as cultured, vulgar, clipped, fluent, broken English with accent (identified whenever possible), or non-English speaking (language specified when possible). Such peculiarities as stuttering, nasal twang, pronounced drawl, or a mute condition should be clearly indicated and explained.

- **Dress**—Since persons may change the clothing worn, its value for descriptive purposes is limited. Noticeable habits in manner of dress, such as neatness, carelessness, and preferences of style, should be indicated. Clothing worn by a person at the time of an offense or when last seen should be described in detail, such as military, civilian, mixed military and civilian, color(s), and condition (clean, soiled, torn, ragged, greasy, or bloodstained).

- **Personal appearance**—Neat or untidy; well-groomed or unkempt; refined or rough.

- **Mannerisms and habits**—Often the peculiar mannerisms or traits of a person will constitute the major or key parts of this description. You should be alert to record such characteristics as the following:

1. Feminine traits in men and masculine traits in women.

2. Peculiarities in walking, moving, or taking.

3. Outward emotional instability, nervousness, or indecision.

4. Type of companions preferred.

5. Subconscious mannerisms, such as scratching the nose, running the hand through the hair, pulling on an ear, hitching up the pants, jingling keys, or flipping coins.

6. Facial tics, muscular twitches, and excessive talking with the hands.

7. Kinds of recreation preferred or hobbies pursued.

8. Jewelry worn and types of jewelry preferred.

Objects

Objects described are generally limited to those located at the scene of an incident or crime, or other items identified by a witness or victim as pertinent. Due to the great variation in size, conformation, shape, and location of objects that may be described, it is not possible to prescribe a detailed pattern for their observation and description. However, as in the case of persons, the description of objects should begin with general characteristics and proceed to specific characteristics.

GENERAL CHARACTERISTICS.— The description of general characteristics should define clearly the general category of the particular object and preclude its being confused with objects of other or

similar category. The general characteristics should include those aspects of an object that are readily discernible, and may serve to effect quick and conclusive recognition.

SPECIFIC CHARACTERISTICS.— After describing the general or basic characteristics of an object and establishing its fundamental classification, proceed to describe systematically and in detail its specific characteristics. This part of the description will distinguish the particular object and set it off from all others similar in category. Therefore, it is essential to note and describe accurately all the details of the object of interest.

The pattern of this description will vary according to the type of object, but it should follow a general pattern, such as top to bottom, front to rear, or left to right. Such particulars as distinguishing marks, scratches, alterations, damaged parts, worn areas, signs of repair, faded paint, serial numbers, identifying markings, and missing parts should be indicated in detail.

Examples. The following are some typical descriptions that you may make, including specific characteristics of objects.

Typewriter. Brand name, nonportable, model 17, 11-inch carriage, light gray with ivory keys and black lettering, serial number J17-123456. Letter H key is bent and strikes below the line. Numeral 5 key is bent and sticks in the forward position; when stuck it must be returned manually to the rear position.

Man's suit. Brand name; dark blue; wool worsted; coat size 42 regular; half-lined with dark blue silk; coat lapels of wide width; single-breasted with three black buttons; four small black buttons on each sleeve; small tear in lining on right outside coat pocket; trousers size 33-inch waist, 34-inch length; unlined; not pleated; cuffs, 1 1/2 inches wide; and cleaner's mark JHO stamped in black on inside of the waistband.

Places

To present a concise and readily understandable word picture of the scene, place descriptions should contain all the elements and should proceed by the methods of observation previously discussed. To supplement word description, sketches and photographs should be made whenever appropriate. Some typical examples of place and scene descriptions follow.

Outdoor scene. The incident occurred on board the Naval Air Station, Pensacola, Florida, near the

intersection of Turner Street and Fisher Avenue. The exact location was the east sidewalk of Fisher Avenue, 10 feet due north of a fire hydrant located on the east side of Fisher Avenue approximately 20 feet north of the corner (curb) of Turner Street and Fisher Avenue.

Indoor Scene. The incident occurred in room 212 in building 624 on Fisher Avenue on board the Naval Air Station, Pensacola, Florida. Room 212 is located on the second floor of the building directly above the Fisher Street entrance. The room is reached using a stairway to the right of the Fisher Street entrance. The door to the room is wooden, with the room number printed on it in 2-inch block letters.

At the time of observation, and to the immediate right of the observer and the entrance door, were three rows of brown cardboard boxes stacked 6-feet high against the wall. Against the left wall and facing the center of the room was a standard size blackboard. In front of the blackboard was a 3-foot high podium with a wastebasket on the right side facing the center of the room.

In the wall facing the entrance door were two double-sash casement windows. The windows were furnished with ivory-colored venetian blinds closely drawn. Between the windows was a built-in three-shelf bookcase totally filled with books.

On the wall of the room to the left of the entrance door 3 feet from the window wall was a door, connecting with room 210, which was locked at the time of observation.

Between the two doors was a dark brown table with a wooden top approximately 2 feet by 2 feet in size. On the table were three plastic drinking cups, each partially full of a light-brown liquid, which appeared to be an intoxicant. In the center of the table was a 9-inch ashtray containing several extinguished brand-name cigarettes.

At a point 10 feet from the entrance door and 7 feet from the table near the left wall was an overturned wooden straight-back chair. The left rear leg of this chair was broken below the seat. The broken leg, which was still attached to the chair, was stained with a substance that appeared to be blood.

In the center of the room was a conference table, 10 feet long by 4 feet wide. There were four wooden straight-back chairs on the window wall side of the table and four chairs on the entrance door side of the table. In the center of the room on the ceiling directly above the table was a four-bulb fluorescent light fixture. The floor of the room was covered with light brown tile.

Events

Your description of an event should present as accurately as possible a reconstruction of the event as it actually happened.

The description must be as complete as time and circumstances make practicable and should always contain the essential facts of time, location, sequence of action, objects and persons involved and the immediate results of the occurrence.

In accomplishing a thorough and logical description of an event, consider all available information resulting from your own observations, statements made by witnesses and suspects, and the evaluation of physical investigative evidence obtained at the scene. Whenever appropriate, the description is supplemented by sketches and photographs.

OBSERVATION, DESCRIPTION, AND IDENTIFICATION BY WITNESSES

Observations, descriptions, and identifications made by witnesses or victims of incidents and offenses constitute a major source of extremely useful information. It is essential that a high level of skill be acquired in obtaining information from such persons, in accurately evaluating this information in the light of all related data, and in using the evaluated information in conducting subsequent investigative activities.

Observation

Although, as the investigator, you cannot control either the fact or the technique of observation by other persons, you may, through skillful and patient questioning, often aid a witness in recalling details of persons, objects, places, and events observed. Since the witness may not be trained or experienced in observing methodically or in a set pattern, it may be possible for you to develop a reasonably clear word picture of what the witness observed by encouraging the use of a pattern of recall.

When encouraged to recall in a methodical fashion, a witness may often realize that he or she actually saw much more than was consciously recorded at the time of observation.

Before you can perfect your techniques of obtaining and developing the description of observations made by other persons, you must acquire an awareness of, and be able to make appropriate allowance for, the many factors that may tend to influence an individual's

perception, interpretation, and retention of details observed. Such factors may be external or human.

External influences include the following:

1. Location of witness at time of observation. It is unlikely that two or more persons will have witnessed an incident from exactly the same location. Differences in location may often account for differences in observation.

For example, a person who witnessed an event from a great distance may be able to give a good overall description of what took place but be unable to expound on details of the persons or objects involved. On the other hand, a person who witnessed the same event at very close range may be able to describe in detail the persons, objects, and component actions involved but be unsure as to the overall picture of what took place. Similarly, the height of an observer above or below the subject of observation influences the observer's interpretation.

2. Weather and light conditions. The effects of weather and light variations upon observations of individuals are fairly self-evident. You should not, however, fail to make proper allowance for them.

3. Absence or presence of distracting events or circumstances. Unrelated but concurrent events may greatly influence a witness' observation of events important in a particular incident. Thus, an exciting play on a football field may cause a spectator to fail to observe closely or accurately what the person sitting in the next seat is doing.

4. Lapse of time since the observation was made. The passage of time between observation and recall can greatly influence an individual's description of what was witnessed. The imaginative person may often tend to fill in through conjecture the gaps about an incident, particularly if it is subsequently learned that the incident is important in an investigation. On the other hand, many persons will tend to forget or confuse details of an incident with the passage of time.

It is extremely important that witnesses and victims be interviewed as soon as possible after they made their observation and before they had time to adjust their observations, consciously or unconsciously, to fit the pattern of other information they may have seen or heard.

Human factors. An individual's perception is largely determined and influenced by a number of individual differences in past experiences, physiological and psychological influences, and

training. Within the framework of these differences, an individual evaluates and interprets stimuli received by the senses. You should recognize the implication of individual differences and be able to evaluate their effects upon the observations of a witness or victim.

Experiences. A person's evaluation and interpretation of what that person observes tend to be predetermined by past experience of similar or related occurrences. The size of an object is, for instance, compared with the size of another object with which the individual is familiar. Familiar sounds, odors, tastes, and comparable perceptions will usually be properly interpreted by an observer, while incoming stimuli with which there are not past comparable perceptions will often be misinterpreted in terms of familiar things. Similarly, inaccurate interpretation of past experiences may have formed a pattern that will influence the individual's subsequent interpretation of similar observations.

In general, as the investigator, you should bear the following in mind:

1. Young persons have limited past experiences on which to base interpretations. Yet, depending upon their individual interests, they may be entirely capable of quite accurate observations. For example, many American males can quickly recognize and identify the make and model of an automobile but would not be likely to perceive details of the driver, license number, or make and condition of the tires.

2. Normally, the mature person has had a variety of experiences upon which to base interpretations. That person's experience, however, is limited to normal occurrences in his or her area of residence and employment. Thus, a lifelong resident of a metropolitan area might be entirely incapable of accurately describing a farm scene. A native of a tropical island could hardly be expected to describe in minute detail a high-speed motor vehicle accident.

3. In the case of elderly persons, physiological influences may often preclude proper application of patterned interpretation as molded by experience, or experiences may be so varied and interrelated as to result in confused interpretation. For example, an aged person may not be able to recall details of what was observed, or may tend to supply incorrect details from some similar but unrelated past experience.

4. Specialists in particular fields of endeavor normally develop very acute perception within their respective fields but are especially unobservant in other fields.

For example, an artist will normally be acutely aware and take specific note of color, form, and proportion but may fail to discern or properly interpret sounds or odors.

Similarly, a motor vehicle mechanic will usually be quick to observe the sound of a motor or other indications of the state of repair of an automobile but may be inexact in describing the appearance and actions of the driver.

Physiological influences. Defects, both permanent and temporary, in the physical condition of an individual may greatly affect the ability to observe accurately and to interpret his or her observations properly. Such factors as age, disease, injury, underdevelopment, and undernourishment must be considered whenever appropriate. Pain, hunger, fatigue, and unnatural positions of the body may cause a witness to inaccurately interpret observations that he or she would normally place into proper mental perspective.

The following general factors should be considered:

1. A person who is unusually short or tall may misinterpret the size of another person. For example, a person 6-feet tall may appear very tall to an observer who is only 4 feet 10 inches tall, while the same 6-footer would likely appear to be of normal height to an observer who is 5 feet 10 inches tall.

2. The senses of hearing and touch of a blind person are usually developed far beyond those of a person with normal vision. Thus, a blind person may frequently perceive sounds or note details of objects touched which the normal person may fail to observe.

3. The senses of taste and smell are subject to frequent distortion by physical disorders and by external stimuli. The presence of a strong taste or odor may completely conceal the presence of other tastes or odors. Consequently, these two are usually considered the least reliable of the senses as a basis for interpretation.

For example, the presence of strong cooking odors in a room may result in an individual's failing to note the presence of a more subtle odor of importance in a particular case.

Psychological influences. Temporary or permanent emotional disturbances, such as fear, anger, worry, prejudice, or mental instability, may impair the functioning of a person's senses and result in inaccurate observation. You must acquire the ability to recognize these influences and make proper allowances for them. For example:

The victim of a robbery may be in such fear of a weapon used by the perpetrator that the victim's recollection of the incident will be only that of the size of the bore of the weapon, and will not be able to accurately describe the perpetrator. Furthermore, such an individual might be expected to exaggerate the size of the bore.

A witness of an incident may so dislike a particular person involved as to see only the actions of that person to the exclusion of the actions of other persons involved.

Occasionally, a witness may be so prejudiced against a class or race of persons that his or her interpretation will be inaccurate even though the witness' senses recorded a true report of what occurred. For example, an individual who has formed a dislike for police and similar officials may unwittingly permit this prejudice to affect the interpretation of observation of the actions of a night watchman or a security guard.

Training. Specialized training may intensify an individual's power of observation. However, such training may tend to focus the observer's attention onto particular characteristics to the detriment or exclusion of other details.

Description

Some witnesses may be able to give concise and factual accounts of their observations without aid from you. However, in almost every case it will be necessary for you to ask questions to develop details considered unimportant by the witness, to assist the witness in evaluating and interpreting observations, or to reconcile discrepancies in the statements of different witnesses.

While little can be done to influence or mold the observations of witnesses, you can greatly enhance and facilitate the witness' investigative activities through the employment of skillful techniques of questioning witnesses and thereby obtaining from them descriptions of that which they observed.

Some of the factors that affect the accuracy of a description by a witness, and for which you should learn to make proper allowances are as follows:

1. Lapse of time between observation and rendering of the description.
2. Witness may tend to relate only those details deemed to be important.
3. Language inadequacies or lack of expressive ability may preclude a witness' giving an accurate description.

4. Fear of police or police methods might cause a witness to be incapable of coherently describing what was observed.

5. Witnesses may intentionally withhold information so as not to become involved or to avoid personal inconvenience.

When obtaining a description from a witness, you should learn as much about the witness as is possible within the limitations of time and urgency. You should consider individual differences that may affect the witness' interpretation of what was observed. You should determine those influences that might tend to cause the witness to withhold or intentionally distort certain details.

Without extensive background investigation, which the urgency of most cases will usually preclude, it may be difficult to determine applicable individual differences and influences. However, certain techniques may be used by you to help determine the extent of these influences. Three of these techniques are:

1. Talking briefly with the witness prior to questioning may tend to alleviate apprehensions regarding police and police methods, self-involvement, and inconvenience. During such preliminary talk, you may discover numerous individual traits that may tend to influence the witness' interpretation of what was observed.
2. Having the witness repeat a description may reveal discrepancies made either inadvertently or intentionally. Pointing out and discussing such discrepancies may lead to a better description by the witness or an admission of intentional distortion.
3. Weighing the description made by a witness in the light of all available information in the particular case will help you to evaluate the witness' credibility. A witness suspected of concealing information or of intentionally lying will usually make unconscious slips, which the trained investigator will note. However, you should bear in mind that there are many factors, such as self-interest, love, loyalty, desire to appear important or intelligent, desire for conformity or to be different, or reward, which may cause an individual to unintentionally err in his or her interpretation of observations.

Identification

It is imperative that you conduct identification activities in such a manner as to preclude possible error or injustice.

Before an identification is undertaken, you should make sure that the witness has made as complete and as detailed a description of his or her observations as possible.

To avoid false identifications and ensure maximum elimination of possibility for error, the witness should be given the opportunity to make comparisons of similar persons, objects, places, and events. For example, showing a witness a single weapon or confronting the witness with one person for identification purposes may confuse the witness, and lead him or her to make a false identification simply because the weapon or person has been shown by you. Instead the witness should be asked to identify a person or object from among a group of similar persons or objects.

A witness attempting to identify a place should be asked to describe it in detail after having described its general location in relation to known landmarks. Then the witness should be asked to lead you to the scene.

Certain specific techniques may prove useful in identification procedures. These include the following:

- **Composite photographs and sketches.** In the identification of persons, a technique using composite photographs or sketches may often be valuable. This technique involves showing the witness a number of photographs or sketches of facial features, such as foreheads, eyes, noses, mouths, chins, and so forth, and asking him or her to select in each instance the one that most nearly resembles that particular facial feature of the person to be identified.

- **Use of an artist.** The services of an artist may be used to provide a likeness of persons or objects. From the description given by a witness, or from a composite of the descriptions given by several witnesses, a skillful artist can often prepare a sketch or portrait that will be of value in locating the subject of interest.

This technique may also be advantageously combined with the use of composite photographs or sketches. Or, if these are not available, the witness may be shown numerous photographs of different persons or objects and requested to indicate to the artist or to you those features that most closely resemble those of the person or object to be drawn.

In the case of an object, the witness may be able to accurately describe an item of well-known appearance or one from his or her own property without the aid of photographs of similar objects. The ultimate goal is production of a drawing or portrait that will be useful in furthering the investigation.

The Lineup

An additional technique of identification is the lineup. It is used to minimize error and eliminate false identification of persons or objects. The lineup offers the advantage of a confrontation without leading or misleading the witness or victim. In setting up a lineup, certain legal requirements should be met for the validity and acceptability of the lineup.

Location for a lineup may be almost any area available to you. It should be held in an area that is screened from public view, to avoid attracting unwanted attention or disturbance. When the lineup involves people, it should be in a room or space large enough for at least six people to stand side by side. A lineup involving objects should be held in a place that is logical to the item being identified, such as a car in a parking lot with other cars, or a coat in a closet with other coats.

Lighting should be of sufficient intensity to enable viewing of the lineup. When people are involved in a lineup, lighting should be planned to prevent the persons in the lineup from clearly seeing the person making the identification.

Preparing and Directing the Lineup

There are certain procedures that must be followed in conducting a lineup to ensure its proper operation. These include selection of lineup personnel, their preparation and directions, and control of the witness/victim.

Personnel selection should be such that the people in the lineup are of the same general physical description; that they have the same distinctive features (such as glasses, beard, and so forth), and that they are presented wearing the same general type of clothing. (As a rule, law enforcement personnel should not be included in the lineup.)

In setting up the lineup, each person should be provided with a numbered card. A record is then made by name and number of each position in the lineup. The lineup should be photographed to help verify that it is conducted correctly and to verify the location of people in the lineup. If the people are in uniform, insignia, accoutrements, and name tags should be removed or covered. The people should be in clothing that is the same as may have been described earlier by the witness. That is, if the suspect was wearing a hat, all people in the lineup should be wearing hats. It is permissible for movement directions to be given to the lineup personnel if necessary, such as facing the lineup left or right.

There are certain procedures for which the witness or victim should be instructed or prepared. Witnesses should not be allowed to see a suspect before the actual lineup. They should be told how the lineup will be conducted before it begins. They should NOT be told that a suspect is actually in the lineup. They should not be pressured to make a statement. All conversations of the witnesses should be recorded during the lineup. There should be a standard series of questions prepared before convening the lineup if the witness is to be questioned. If more than one witness is to view a lineup, each should do so separately. Witnesses should not be allowed to communicate with each other during a lineup, as one may adversely influence the other.

Lineup of objects for identification may be of considerable importance to an investigation. When this technique is used, a group of six or more objects similar to and including the object that needs to be identified. Ample time should be given to the witness to view the group of objects in an attempt to identify the object.

The *Navy Law Enforcement Manual*, OPNAVINST 5580.1, contains further details on lineups.

SURVEILLANCE OPERATIONS

LEARNING OBJECTIVES: Explain surveillance operations and describe the terms used. Describe the planning, preparation, and personal qualifications for surveillance operations. List some of the precautions to be observed in surveillance, and identify the types and methods of surveillance.

Surveillance operations are excellent methods for acquiring police information. However, they require sound techniques and the use of experienced, trained investigators. They are closely related because, in each instance, the investigator relegates official standing to an obscure identity to accomplish the mission.

Because of the total involvement and, in some cases, danger to the investigator, surveillance operations are used only when necessary as the best way or, as in many instances, the only way of achieving the desired results.

Surveillance operations are used in many ways and require special skills and qualifications. One of the most important required skills is adeptness in police observation and description. This section depicts investigator requirements and the “how” and “why” of surveillance operations. Police surveillance is the systematic observation of persons, places, or things to

obtain information. Normally, a surveillance is covert and concerned primarily with persons; places and things are observed incidental to, or as they relate to, certain people.

Surveillance Terms:

Subject—the person, place, or thing under observation.

Surveillant—a person engaged in observing a subject.

Contact—any person the subject meets with or with whom the subject confers.

Convoy—a person used by a subject to detect a surveillance—usually done by following the subject.

Decoy—a person who attempts to divert the surveillant’s attention from the subject.

“Made,” “burned,” or “blown”—terms used to relate that the surveillance or the identity of a surveillant has been discovered by the subject.

Surveillance may be used to identify locations frequented by persons of interest to the investigation and places where criminal activity is conducted. It is used to obtain information on the scope and nature of a person’s activities. One important use of surveillance is to verify the reliability of informers.

Although this section addresses covert surveillance almost exclusively, overt surveillances are used on occasion. An overt surveillance is used when it is to the surveillant’s advantage to let the subject know he or she is being observed.

For example, a nervous subject maybe purposefully made aware that he or she is being followed and made to feel that an arrest is imminent. This could cause the subject to falter in his or her actions and expose others involved to the investigator.

PLANNING FACTORS, PREPARATION, AND PERSONAL QUALIFICATIONS

When a surveillance is necessary, all available information on the subject should be compiled for the surveillant.

Before the surveillance of a place, a reconnaissance should be conducted to determine entrances and exits, vantage points, and the character of the area. Such information will help determine how many surveillants are necessary; if the surveillant will observe from a vantage point, the street, or a combination of the two;

and how the surveillant should dress to blend in with the environment.

If the subject is a person unknown to the surveillant, the best method of identification is to have the subject pointed out to allow the surveillant to make a personal observation. The surveillant should also be briefed on any of the subject's known habits, contacts, or habitats, and be provided with a photograph and a detailed and accurate description of the subject. A photograph and detailed description of the subject's automobile should also be obtained.

The surveillant is selected for his or her skill, experience, and resourcefulness. Normally, the surveillant should be of average size and should not have any unusual physical characteristics. In addition, the type of surveillance and the area in which it is conducted are key factors in determining who can best accomplish a surveillance operation. Also, the surveillant must have a lot of patience so as not to seem apprehensive or become discouraged.

The surveillant's attire should be in harmony with the area in which the surveillance is to be conducted. Clothing (civilian or uniform) must blend with the environment so that if the subject sees the surveillant one or more times, it will not make a lasting impression or arouse suspicion.

Appearance should not stop at just the manner of dress. Rings or other jewelry indicating professional status or societies may have to be removed. Moreover, the surveillant must not reflect by appearance or habits that he or she is a law enforcement officer.

The surveillant should have as much knowledge of the investigation as possible to accurately interpret the actions of the subject. The surveillant should also know the elements of proof of various crimes to be able to know when the subject has gone far enough to warrant apprehension.

The suspect must be kept under observation until the offense is thoroughly completed except in those offenses which if completed would result in bodily harm to victims.

Continued surveillances, even after all the elements of a crime have been completed can be rewarding. The surveillant should not be too anxious to make an apprehension. Wait and observe.

Notes should be prepared by all parties to the surveillance of all actions they witness the subject(s) perform.

A surveillance plan is necessary to ensure that all contingencies that can be anticipated before a surveillance action are considered and resolved. It is necessary to coordinate the actions of two or more surveillant.

It is unnecessary for a surveillance plan to follow a formal outline, or to even be written. However, some plan should be formulated and each surveillant should become thoroughly knowledgeable in every aspect of the operation through presurveillance meetings or briefings.

The plan should specify the general concepts of operations and duties, cover stories for each surveillant, alternate courses of action and communications, and equipment to be used.

The surveillant may be required to use a cover story if confronted by the subject. The cover story should be substantiated by dress, speech, mannerisms, and logic. Individual surveillant resourcefulness is irreplaceable in a situation where the cover story has to be related. The surveillant should not offer any information to the subject since, in many instances, the information can be checked by the subject.

Planned, alternate courses of action allow the surveillant to react smoothly to contingencies, anticipated previously, as they occur, such as moving from a foot- to a vehicle-surveillance, or reacting to a convoy.

Communications enable a coordinated effort and, as in any other operation, can influence the success or failure of the mission. Radio contact is imperative in a vehicle surveillance and is used extensively in other surveillance methods. Prearranged signals, especially in a foot surveillance, are often the only means surveillants have of relaying messages. Telephone contact may also be used when appropriate, especially when its use harmonizes with techniques that mask the surveillant's actions.

There are no standard equipment requirements for a surveillance.

SURVEILLANT PRECAUTIONS

The surveillant is faced with two possibilities that could destroy weeks or months of preparation and work—that of being discovered and of losing the subject at a critical time. Even the most experienced investigator can be “burned” or “shaken.” However, adequate planning and the use of trained personnel can assure continuity in surveillance of the subject.

The surveillant should avoid direct eye contact with the subject, preventing the subject from recalling the surveillant's face should eye-to-eye contact be required later. If obviously looking away from the subject would arouse suspicion, the surveillant should focus on a point beyond the subject, giving the impression of eye contact without actually establishing it.

Abrupt or unnatural movements can call attention to a surveillant. Many times a subject will test to see if he or she is being observed by rapidly changing course or by other means. The surveillant must react quickly but naturally to these movements by the subject. In some cases, it may be better to lose sight of the subject momentarily than to arouse suspicion.

The surveillant carries a sufficient amount of roomy, including change, to cover such contingencies as meals and telephone calls.

Barracks, theaters, dining facilities, and base transportation pose special problems to the surveillant. Generally, it is necessary to move closer to the subject when entering barracks and theaters to preclude the subject's leaving through one of the various exits. In dining facilities, the surveillant should enter the facility behind the subject and take a position to ensure constant observation of the subject.

The surveillant selects a meal that is quickly prepared. Should the subject depart before the surveillant is served, the surveillant should leave.

Inexperienced surveillant must overcome a tendency to believe that they have been discovered simply because the subject glances their way several times. Normally, when the subject knows he or she is being observed, it will become obvious. The subject will take actions to harass or lose the surveillant.

TYPES OF SURVEILLANCE

There are two general types of surveillance—mobile and fixed. A *mobile surveillance* is commonly known as tailing or shadowing. A *fixed surveillance* is often called a stakeout. A mobile surveillance can be conducted by foot, vehicle, or a combination of the two, depending on the subject's movement. A fixed surveillance is used when the subject is stationary or when all the essential information can be gathered in a single location. Even in a fixed surveillance, the surveillant may remain mobile, moving from one vantage point to another.

METHODS OF SURVEILLANCE

The MA or command investigator will rarely be required to perform a complex surveillance operation, and most of the time will be limited to a fixed surveillance. Therefore, only basic surveillance methods will be discussed.

Three basic methods are used in surveillances: loose, close, and a combination of the two.

Loose surveillance. During a loose surveillance, the subject is not kept under constant observation. This method is used when the information sought can be obtained from a particular facet of the subject's activities, to spot check a subject, or as a long-term method of compiling information on a subject. A loose surveillance should be broken if the suspect indicates in any way that he or she suspects a surveillance is being conducted.

Close surveillance. The subject is maintained under constant observation in a close surveillance. Even in a situation where the surveillant loses the subject, a close surveillance should continue through an alternate plan.

Combination of loose and close surveillance methods. A situation may exist where an illicit activity will be under a close surveillance. As a result, a loose surveillance may be initiated at the same time against certain persons who frequent the activity. Surveillants may also find cause in some instances to move from a loose to a close surveillance as a result of an act or a contact by the subject. Prior planning provides for the best techniques to be used for such possibilities.

FOOT SURVEILLANCE

Even though a one-person surveillance technique may be called for by the nature of the investigation or the actions of the subject, a one-person surveillance should never be used. This is because of the inherent danger of the subject, a convoy, decoy, or criminal associates attempting to physically eliminate or neutralize the one-person surveillant. A second surveillant should be used with a primary mission to protect or provide assistance, as required, to the main surveillant.

If a one-person foot surveillance is required, the surveillant should use extreme caution when operating on the same side of the street as the subject. The surveillant should stay to the rear of the subject with varying proximity maintained with respect to his or her position and the position of the subject. This is determined by physical conditions, such as the problems

created by crowds and the number of exits. If the subject turns a corner, the surveillant should cross the intersecting street, keeping the subject in view. The surveillant can then operate across the street from the subject and fall in behind the subject again as the situation permits.

When the surveillant is operating across the street from the subject, circumstances dictate whether to operate to the front, abreast, or behind the subject. The key to deciding on any positional vantage is observation—from what position observation is best. Normally, when the subject turns a corner in this situation, it is best to be abreast of him or her so that any contacts or entries into a building can be observed.

If the subject enters a telephone booth, the surveillant should enter an adjacent one to overhear any conversation, if possible. The subject maybe simulating making a telephone call to see if he or she is being followed.

When it is necessary for you to go into an adjacent telephone booth in an effort to overhear the subject's conversation, do not simulate making a call. Deposit the required coins, dial, and then simulate a conversation.

An effort should be made to recover items discarded by the subject or to recover second sheets from pads that the subject has used. However, the surveillant should avoid picking up an item discarded by the subject when this might lead to recognition of the surveillant.

VEHICLE SURVEILLANCE

The same basic principles apply to foot surveillance and vehicle surveillance. However, techniques in the basic principles of vehicular surveillances are more difficult, because of the complications created by traffic congestion, restrictions imposed by traffic congestion, restrictions imposed by traffic laws, and the greater possibility of the surveillant being discovered. As in the case of close foot surveillances where two or more surveillant are more effective, two or more vehicles enhance the prospects for success in a vehicle surveillance.

Whenever possible, each vehicle should be occupied by two surveillant. Pairing the surveillant in vehicles permits greater alertness, provides mutual coverage, and allows the flexibility necessary to react to the numerous contingencies that may arise.

For example, if the subject stops and parks a car rapidly, one surveillant can follow the subject on foot while the other looks for a parking place from which

observation of the subject's vehicle may be made inconspicuously. In such a situation, one surveillant in a vehicle would in all probability lose sight of the subject.

Preparation of Surveillant Vehicle

A vehicle selected for surveillance duty must be mechanically sound and suitable for the area in which the surveillance is to take place. The vehicle should be equipped with a radio, especially if two or more surveillant vehicles are involved. This provides for coordination between surveillant teams and for obtaining assistance if required.

Surveillance vehicles should be devoid of all official markings and bear the license plate of the county or state in which the surveillance takes place. If possible, vehicles are changed periodically in a surveillance of long duration.

Other Techniques

There are techniques to minimize the risk of detection, such as disconnecting the dome light of the car so light will not show when a door is opened. Operating the microphone of the radio should be done inconspicuously. One of the headlights and the license plate light can be wired to permit them to be turned on or off independently. That permits a change in the traffic pattern as seen by the subject. If traffic conditions are heavy, the headlights should not be tampered with.

Violations of traffic laws should be cleared with the security department and their advice considered. The advice of the legal officer should also be sought in these situations.

It is much more difficult at night for surveillant to be sure they are following the right vehicle. The subject's car can be better kept in sight if the car is distinctive. If the opportunity presents itself, a piece of reflectorized tape may be attached to the rear of the car.

When one vehicle is used for surveillance, it should remain close enough behind the subject to permit the surveillant to observe all actions, but far enough behind to escape detection.

When the surveillant vehicle is parked, one surveillant should be out of the car for better observation. The surveillant remaining in the car should sit on the passenger side and appear to be waiting for the driver, thus lessening the chances of attracting the subject's attention. The surveillant may even change to

the back seat or move the car to a different parking place periodically.

When the subject turns a corner, the surveillant have two possible moves. They may continue in the original direction, or cross the intersecting street, to make a U-turn (see figure 15-2). The subject will take little interest in a car from behind turning into the street from a direction that is opposite that to which he was traveling before turning the corner.

In all vehicle surveillances, the surveillant should become familiar with the area of operation by a map study and an on-the-ground reconnaissance. If time does not permit the reconnaissance, maps should be carried in the vehicle. If necessary, the surveillant in the passenger seat can navigate for the driver.

FIXED SURVEILLANCE

In a fixed surveillance, or stakeout, it is the subject who remains stationary. The surveillant may move around for closer observation of the area or subject. When one surveillant is detailed to watch a place with more than one exit, the surveillant may have to move about considerably to maintain proper surveillance.

When you are preparing for a stakeout, the base of operations should be well-planned. It maybe an office, apartment, house, automobile, or truck. A thorough, but cautious, reconnaissance should be conducted of the area or building from which the surveillance is to be made. Necessary equipment, such as binoculars, cameras, and sound recording devices, should be provided.

Specific arrangements should be made to provide relief for the surveillant and for communications contact with headquarters. In situations where the surveillant cannot observe from a fixed base, it may be necessary to assume a role that will not attract undue

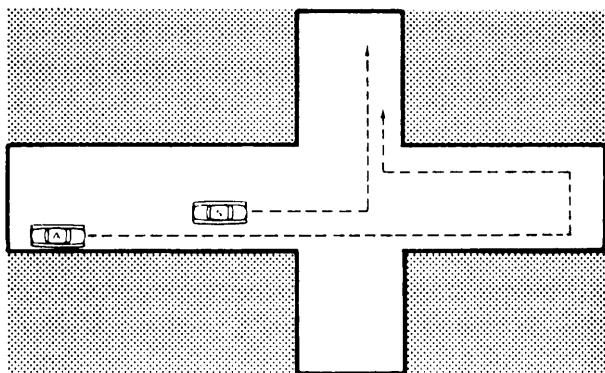


Figure 15-2. One-vehicle surveillance.

attention. The use of disguised vans and trucks as observation posts in fixed surveillances should be considered.

OTHER TECHNIQUES

Obviously, all surveillance techniques have not been covered in this chapter. There are numerous adaptations and combinations of the basic techniques discussed. You will develop these and apply them as you gain experience.

The surveillant or surveillance team should be prepared to switch from foot surveillance to vehicle surveillance, and vice versa. No one walks everywhere, nor rides to every destination. It is also likely that two types of surveillance will be combined.

A technique of loose surveillance that has proved extremely useful when time permits and the subject follows an established routine is progressive surveillance. In this technique, the subject is observed during a particular phase of daily routine, or for a specific period of time on one day, and the cutoff point recorded. The next day, the surveillance is picked up at the previous day's cutoff. This process is repeated until the subject's activity has been thoroughly covered.

INTERVIEWS AND INTERROGATIONS

LEARNING OBJECTIVES: List the reasons for conducting an interview or interrogation. Explain the difference between an interview and an interrogation. Describe the legal considerations and human factors involved in interviews and interrogations. Identify the need for witnesses, methods used with the opposite sex, and the types of persons who may be questioned. List and explain the elements involved in conducting interviews and the elements involved in interrogating suspects.

During the course of any investigation, often the most valuable sources of information are the people involved. The investigator interviews or interrogates them for a variety of reasons, some of the more common being the following:

- To gain information to establish the facts of the crime, including determination of whether or not a crime actually occurred

- To verify or tie-in prior information received from other persons involved in the investigation or from physical evidence left at the scene
- To identify any additional witnesses
- To identify perpetrator(s) and accomplice(s)
- To secure additional evidence
- To develop background information on the specific crime/offense
- To eliminate suspects
- To discover details of other offenses

DEFINITIONS

Interview. An *interview* is the questioning of a person who has or is believed to have information of official interest to the investigator. In an interview, the person questioned usually gives in his or her own manner and words a personal account of an incident under investigation or offers information concerning a person being investigated. After the person gives the account of an incident, the investigator should review it with that person and amplify certain points and clearly explain matters not previously mentioned, depending on the elements of the offense under investigation.

Interrogation. An *interrogation* is the questioning of a person suspected of having committed an offense or of a person who is reluctant to make a full disclosure of information pertinent to an investigation.

LEGAL CONSIDERATIONS

In addition to the legal considerations discussed in chapters 2, 3, and 4, you, the investigator, should become thoroughly familiar with the laws applying to the specific offense under investigation before you conduct an interview or interrogation. A knowledge of these laws will assist you in evaluating the relevancy of information received and assist you in the detection of incriminating points in statements.

You should avoid any oversight or mistake that would impair the value of the results of an investigation to the person or agency using the results in a legal action.

Often, through questioning a suspect for one offense, investigative leads or admission of guilt related to other offenses may be developed. This additional information may be of value to you or other law enforcement agencies.

HUMAN FACTORS

Human factors affect your success in stimulating an interviewee to talk, and influence the accuracy or truthfulness of the information you secure from the interviewee. You should evaluate each interviewee and the information furnished, attempting to understand the interviewee's motivations, fears, and mental makeup. You should use your understanding of the interviewee to gain useful information.

In selecting a technique of interview or interrogation, you should consider perception or memory, prejudice, reluctance to talk, and personality conflicts.

Perception and Memory

The validity of the information divulged during an interview or an interrogation is influenced by the interviewee's ability to perceive correctly what happened in his or her presence, to recollect that information, and to transmit it correctly to the investigator. A mistake made in recalling a particular incident is often due to one or more of the following:

- Weakness in the interviewee's ability to see, hear, smell, taste, or touch.
- Location of the interviewee in relation to the incident at the time it occurred. Rarely do two people give the same account of an incident witnessed by them.
- Lapse of time since the incident occurred or the interviewee's having had no reason for attaching much importance to the incident when it occurred. The account given of an incident at a later time is often colored, consciously or unconsciously, by what the interviewee has heard or seen regarding the incident since it occurred. Furthermore, an interviewee may fill in the gaps of a particular incident by rationalizing what was actually seen or heard and may repeat the entire mixture of fabrication and fact to the investigator as the truth.

Therefore, an individual should be interviewed or interrogated as soon as possible after the occurrence of an incident. Even then, all your skill is required to discover what the interviewee actually observed and can recall accurately. Additionally, a suspect who is interviewed as soon as possible has less time to formulate alibis with potential conspirators or to establish an otherwise viable sequence of events.

Prejudice

When answering questions, most interviewees are often influenced by one type of prejudice or another. Information obtained in a detailed manner will often preclude the misleading information that prejudiced persons will furnish if allowed to talk in generalities.

You may also be influenced by prejudice. To guard against this, you must train yourself to stick to the facts.

Reluctance to Talk

You may encounter a person who is reluctant to divulge information. You must legally overcome this reluctance to secure the information you need. The most common reasons for reluctance to talk are the following:

Fear of self-involvement. Many persons are not familiar with police methods and are afraid to aid the police. They may have committed a minor offense they believe will be brought to light upon the least involvement with the police. They may think the incidents that occurred are not their business, or that guilt lies jointly on the victims and the accused. They may fear publicity that may be given to persons involved in any way with criminal cases. They also fear reprisal against them.

Inconvenience. Many persons disclaim knowledge of incidents because they do not wish to be inconvenienced by being subjected to questioning or by being required to appear in courts.

Resentment toward police and police methods. This resentment may be present particularly among persons who do not have a positive loyalty to the organized community. Sometimes the resentment manifests itself as sympathy for an accused person, regarded as the underdog pitted against the impersonal, organized forces of society represented by the police.

Investigator-interviewee personality conflicts. The lack of success in an interview or interrogation may be due to a personality conflict between the investigator and the interviewee. When that is the case, the investigator should recognize this factor and, before all chances of success are lost, should voluntarily withdraw in favor of another investigator. The interviewee may feel a compulsion to talk to the new investigator after an experience with the investigator who, for one reason or another, was found objectionable.

WITNESSES TO INTERVIEWS AND INTERROGATIONS

There is usually no requirement to have a witness to a nonsuspect interview or interrogation. With suspects, however, someone should be present to witness the advisement of rights and the oath-taking and signing of any written statements obtained from the suspect.

There is nothing that prohibits an interrogator from excusing the witness to the interrogation, after a waiver of rights is obtained if the interrogator prefers certain psychological advantages that come from a "person-to-person" relationship with the suspect. You can call the witness back before the suspect swears to the truthfulness of the statement and signs it.

There normally should not be more than two interrogators present in the interrogation room, since interrogating a suspect in the presence of many law enforcement personnel has been held by the courts to be suggestive of duress. It is also recommended that the witness to the completion of the Rights Warning and Waiver Certificate and the witness to the statements of a suspect be the same person. This has the practical aspect of requiring only two investigators to appear in court rather than three.

INTERVIEWS/INTERROGATIONS OF MEMBERS OF THE OPPOSITE SEX

An investigator should never jeopardize an interview or interrogation by ignoring the fact that a victim, witness, or even a suspect may be reluctant to talk to a member of the opposite sex about intimate subjects. In some cases, however, the opposite may be true. The investigator should be sensitive to this and plan the session accordingly. Additionally, when interviewing or interrogating a member of the opposite sex, a second investigator or command representative should be present to avoid false claims of investigator misconduct.

TYPES OF PERSONS INTERVIEWED AND INTERROGATED

During criminal investigations, you may have occasion to question many types of persons, including victims, witnesses, informers, complainants, and accusers.

Victims

A victim normally is interviewed to develop the facts of an incident. This interview may take place in a hospital, at the victim's dwelling, or at another location not of the investigator's choosing.

A victim is not always a reliable or cooperative witness. Unreliability and uncooperativeness are sometimes caused by fear of some form of retaliation, a state of mental or physical shock, poor memory, possible involvement of relatives or friends, or fear of publicity.

Also, a victim may be too eager to please and attempt to cooperate by exaggerating and distorting facts. It may be necessary to interview a victim several times before all facts are correctly disclosed.

Occasionally, it is necessary to interrogate a victim. Victims commonly inflate values of property to obtain a larger claim. Also, victims may attempt to hide their involvement in an offense. This is common in rape and homosexual investigations, and in drug-related offenses.

Witnesses

A witness is a person—other than a suspect—who has information concerning an incident. A witness may also be the victim, complainant, or accuser who first notified the authorities of the incident.

The witness must be sought by the investigator when he or she does not voluntarily come forward to present his or her knowledge of the incident. A witness may be a person who saw the crime committed; a person who can testify as to the actions and whereabouts of the accused at the time the crime was committed; a person who knows facts or heard the accused say certain things that would tend to establish a motive for the commission of the crime; a scientific specialist who examined the physical evidence and can give impartial testimony in court concerning such evidence; or a person who by personal knowledge of certain facts or occurrences can contribute to the overall knowledge of the case.

A witness is usually interviewed, but may be interrogated when suspected of lying or withholding pertinent information.

It is not necessary to warn a witness of his or her rights unless he or she has uttered statements that lead you to believe the status of the witness has changed to that of a suspect. If this occurs, all questioning must cease and the suspect must be informed of his or her legal rights.

Informers

The success and efficiency of investigations often depend to some extent on persons who furnish information about criminals and their activities. This source of information is protected by the investigator, who often interviews the informer under conditions of the informer's choosing.

Complainants and Accusers

During an investigation, a person may report on or accuse another person. The complainant or accuser is usually interviewed. In some cases, however, it may be desirable to interrogate an accuser or complainant who is suspected of lying, of distortion, of concealing the fact that he or she provoked the accused, or of attempting to divert suspicion from himself or herself. Providing a false official statement is a crime in itself. (See UCMJ, Art. 107; 18 U.S.C. 1001 (1976).) Therefore, a rights warning and waiver may be required.

Others

Information is often needed that will give a clearer understanding of the motives and actions of persons involved in an incident. In acquiring such information, the investigator interviews persons acquainted with the victim, suspect, witness, or informer. These interviews are normally conducted in the office, home, or place of business of such a person. Rarely do these interviews result in an interrogation.

Distracting Persons

You may encounter persons who have no real connection with a crime or possess no knowledge of it, but who nevertheless present information to you. They may claim to be witnesses or victims, or even perpetrators. Despite the lack of any real basis for their statements, these persons should not be dismissed lightly. You should listen to their stories, evaluate what they say in relation to the known facts, and take the necessary action.

Sensation or publicity seekers. Persons in this class are not often encountered during investigations. Some emotionally disturbed persons, however, may present themselves as witnesses, as additional victims of known suspects, or as accomplices of suspects who have received considerable publicity. You should make every effort to handle publicity seekers in such a manner that will not harm the investigation. You should be aware of attention-seeking behavior.

Grudge-bearing and lying witnesses. Because of previous difficulties with an accused or suspected individual, or to settle an old score, a person with no real knowledge of an incident may volunteer information about, or profess to be a witness to, an incident. A thorough familiarity with the known facts and details of the incident will often enable the investigator to detect inconsistencies in the story of such a person.

The testimony of the grudge-bearing or lying witness may closely parallel the accounts of the incident released to the press or allowed to circulate through other channels. Where the real motives of such a witness are obscure to the investigator, all possible background information should be developed to disclose the untruths and the motivation for the witness' statements.

False accusers. A false accuser may make a charge that later investigation will disclose to be groundless. Sometimes, such a charge will persist until a trial is conducted. A false charge is, at times, an exaggerated version of an actual crime of a lesser nature, but it is sometimes made when no offense has been committed. False charges are particularly prevalent in sex cases, and are not uncommon in other crimes.

A false charge may represent the sincere, though erroneous, thinking of the victim, or may rest on the victim's reaction to previous ill-will, suspicion, or jealousy.

All of your skill is required in the initial interview with an accuser to separate truthful from unfounded accusations. It should be remembered, however, that this should be done in a diplomatic manner. Anything you do to slight a person who volunteers such information or to make him or her feel that the reporting of the matter was foolish or undesired may close off a future source of reliable information.

CONDUCTING INTERVIEWS

You should prepare yourself adequately to conduct an interview. This preparation is sometimes hasty, consisting of no more than a mental review of your knowledge of the case or of a quick briefing by the Master-at-Arms or security patrolman who arrived first at the crime scene. When time permits, a more formal preparation is made. Preparation, whenever possible, includes the following three elements:

1. Familiarity with the case. You should fix in your mind all that is currently known of the who, what, when, where, how, and why of the crime. You should

pay particular attention to the specific details, especially those that have not become public knowledge.

2. Familiarity with the background of the interviewee. You should acquire some background knowledge of the interviewee before attempting an interview. If this is not possible, you should attempt to obtain the background information from the interviewee during the initial portion of the interview. This knowledge will enable you to adopt a correct questioning technique and to extract maximum valuable information. This knowledge will also enable you to test the interviewee's truthfulness and to impress him or her with the thoroughness of the investigation.

Background facts of particular value include:

- Age, place of birth, nationality, and race.
- Present or former rank (for civilians-status in business or in the community).
- Educational level, present duty, and former occupations.
- Habits and associates-how and where leisure time is spent.
- Information in records of courts-martial or civilian court convictions, information in detention records, and information regarding the nature and seriousness of offenses committed.
- Information in records in the local security office.

3. Estimate of information sought. When possible, you should determine in advance the information to be sought in the interview. In complex cases, you can prepare a set of questions that you can consult unobtrusively during the interview. The questions are designed to induce the interviewee to tell his or her story rather than to elicit "yes" or "no" answers.

You should take care neither to overestimate nor to underestimate the interviewee as a source of information. Plan a systematic questioning session. Detailed information, needed by you for a variety of reasons, is not often provided by interviewees unless they are questioned carefully and systematically.

Carefully planned questioning stimulates recall and enables interviewees to provide the best possible descriptions of persons, places, things, and events.

Planning the Interview

A person involved in an investigation should be interviewed as soon as possible since, at best, memory is short and as time passes is often affected by outside influences. It must be kept in mind, however, that there are times when interviews or interrogations are best postponed until they can be conducted in a logical and chronological sequence. Generally, cooperative witnesses are interviewed at their earliest convenience when you have time to conduct a thorough, unrushed interview.

At times, as in the case of responding to the scene of a crime or accident, preliminary questioning is accomplished at the scene and followed up with a more detailed interview as soon as possible.

Generally, willing witnesses, excluding those who are interviewed at the scene, are interviewed where they feel psychologically comfortable such as in their homes or offices. If, however, individual witnesses would feel uneasy in a police environment, and it would not cause undue hardship for them to be interviewed at your office, there is no objection to doing so.

With suspects and hostile witnesses, again referring to those who are not questioned at the scene, it is best to conduct the questioning in a proper interrogation room as described later in this chapter or in any other available location where the investigator enjoys the psychological advantage.

Introduction and Identification

You should introduce yourself courteously and make certain that the interviewee is aware of your correct identity. You should show your credentials if any doubt appears as to your authority in the investigation. When interviewing women in their homes, the male investigator should stand several steps from the door until the interviewee is convinced of his identity and has invited him into the residence.

You should also make certain of the identity of the interviewee. Before questioning any interviewee suspected of an illegal offense, the interviewee must receive an appropriate warning. The warning should be presented prior to obtaining all the administrative data needed for the investigation.

A hasty introduction or the appearance of haste at the beginning of the interview may make the interviewee feel unimportant and that the information he or she is in a position to give is of little value. A few minutes spent in a proper introduction are not wasted.

The introduction gives you time to evaluate the interviewee and the approach you have selected. The interviewee, then, is given an opportunity to overcome any nervousness and is usually in a better frame of mind to answer questions.

Opening Statement

When the introduction is completed you should make a general statement about the case without disclosing any of the specific facts that have been developed. When talking to civilians, avoid the use of military terms and abbreviations.

If appropriate, warn the interviewee of his or her rights. The warning is required only when there is reason to believe the interviewee is involved in the offense in question, or may be involved in another offense—the investigation or prosecution of which may be jeopardized if the warning is not given.

The Interview

Your attitude and actions usually determine the success or failure of the interview. You should be friendly and businesslike, endeavor to get the interviewee into a talkative mood, and guide the conversation toward the interviewee's knowledge of the case. The interviewee should be permitted to tell his or her complete story without unnecessary interruptions. As stated earlier, the questions should be phrased so as to maintain a free flow of talk rather than brief "yes" or "no" answers. Discrepancies and inconsistencies should be noted and resolved. Specific approaches are:

1. The indirect approach is generally used with ready, willing, and able interviewees. They are simply asked to tell their stories in their own way. You are mainly a "listener," asking questions only when needed to clarify information furnished. Leading questions which suggest an expected answer are avoided.

2. The direct approach, where specific, direct questions are asked and you become a "questioner," is used when the interviewee is not ready, willing, or able to provide the information desired for one reason or another. Leading questions are sometimes necessary, but should be avoided especially with an unstable person.

Here are some special considerations:

When interviewing a victim of a crime, particularly a crime of violence, or an otherwise emotional witness, you must keep in mind the emotional state can result in an exaggerated account of the incident. A follow-up

interview, when the emotional interviewee has calmed down, is recommended.

With any interviewee who is a victim, always begin the interview by displaying concern and consideration for the victim's injuries or losses and give assurances that you will do your utmost in behalf of the victim.

Two good reasons for doing that areas follows:

1. The truthful victim will feel he or she has come to the right place and will try to recall details that will be helpful to you.

2. The lying victim will be placed off-guard and will be more likely to mention discrepancies in the story that you will be able to detect.

Photographs and sketches are often useful during interviews. When shown to interviewees, they orient interviewees and investigators, ensure mutual understanding, and help assure complete coverage of the matter being discussed.

Sketches are particularly valuable during questioning of large numbers of individuals who were present when multiple offenses were committed. The individuals questioned can locate their own positions on outline sketches and relate their observations to known time and distance factors. Care should be taken to mark for identification and preserve such photographs and sketches for possible use as exhibits in court.

You should attempt to record interviews for future reference. Any interview can be recorded as a statement by the interviewee, on an electronic recording device (with the permission of the interviewee), or in the form of notes taken. The last method is the most commonly used.

When taking notes, keep in mind that many persons become disturbed when they realize that what they are saying is being recorded. Therefore, notes should not generally be taken until after the interviewee has told the story at least once and you have clarified and summed up what has been told.

Exceptions occur when it is necessary to jot down certain information such as addresses, telephone numbers, and detailed descriptions of persons or stolen items. Should the interviewee display annoyance toward note-taking, delay note-taking until immediately after the interview.

A consensual electronic recording provides a convenient means of preserving the content of an interview. The recording should be carefully kept in its entirety, together with any stenographic transcripts

made. A complete chain of custody should be maintained for all such items, as they may later prove valuable in legal proceedings if they can be duly identified and authenticated.

When using electronic recording devices to record interviews or interrogations, the consent of the witness or suspect must be obtained preferably in writing. Should you encounter an individual who refuses to grant permission do not use an electronic recording device. If you have questions regarding the use of electronic recording devices, consult the NCIS.

Upon termination of the interview, display your appreciation for the cooperation of the interviewee. This applies not only to interviewees who have been completely cooperative from the very beginning of the interview but also to those who initially had to be encouraged and motivated to finish the information sought. No promises or hints of confidentiality should be given.

The time required in bringing the interview to a close may be used successfully to secure valuable additional information. Reluctant suspects or witnesses may tend to drop their guard after the questioning has ceased and you have put your notebook away. The interviewee who has successfully suppressed pertinent facts during the interview may mention such facts immediately following the interview. By carefully handling the witness or suspect, you may secure the facts that eluded you during the interview.

Evaluating Information Received

After obtaining information from any interviewee, you should evaluate the information obtained by comparing it with information received from other interviewees, with observations at the scene of the crime or incident, with physical evidence in the case, and with any other information you may have received.

During the interview, the mannerisms and emotional state of the interviewee may be helpful in evaluating the reliability of the information. Personalities of individuals, however, differ to such an extent that it is better to evaluate the information as stated above. Some interviewees, for example, can lie without displaying any nervousness or outward signs of lying. Others, even though they are being truthful, display nervousness whenever they talk to anyone in authority or become involved in any way with law enforcement personnel.

In your evaluation, you should strive to obtain a clearer picture of the entire case as it has progressed to this point. If any discrepancies exist among information obtained from different sources, they should be resolved through reinterviews or any other means possible.

Quality Control

Supervisors of investigators should check on the quality of performance of their investigators as often as their manpower resources allow.

Supervisors can best evaluate the effectiveness of investigators during the interview by reviewing results to assure that investigators are not consistently obtaining negative results, and by periodically, as situations allow, witnessing interviews conducted by investigators. However, supervisors must use discretion when deciding to witness an interview and should not do so if the investigator, who is more knowledgeable of the case, feels the supervisor's presence would jeopardize interview results.

Additionally, supervisors can talk with interviewees shortly after interviews have been conducted to determine their attitudes following the interview.

INTERROGATING SUSPECTS

To some degree, the general rules that apply in interviewing nonsuspects also apply in interviewing suspects. Special considerations must be given, however, in certain areas. If a suspect is ready, willing, and able to tell the truth, the suspect should be allowed to do it in his or her own way, after appropriate advisement of rights.

Preparation for an interrogation should be as thorough as time permits. It should be similar to the preparation for an interview.

Planning the Interrogation

You should base your plan for interrogation on the facts of the case and the background information developed on the subject. Statements of witnesses, in addition to information derived from physical evidence of the case, enable you to reconstruct the crime mentally and to anticipate some of the facts or fiction that you may obtain from the subject during the interrogation. Then decide on your initial techniques and alternates should the initial techniques prove unsuccessful.

When suspects are apprehended at the scene of the crime, it is sometimes advisable, after a Rights warning

is given and oral waiver obtained to interrogate them on the spot. Whether this would be psychologically advantageous will depend on the individual suspect and your appraisal of the suspect.

It should be noted that the longer the delay between apprehension of the suspect and the time of interrogation, the better the opportunity for the suspect to gain composure, fabricate alibis and, in some cases, communicate with accomplices. In any event, do not attempt to advise a suspect of his or her rights during apprehension until after the suspect has been searched for weapons.

Even in cases where offenders are apprehended immediately after the crime, interrogations should be delayed until the suspect is brought to the investigator's office. Here, in a proper interrogation room, the suspect should be advised of his or her rights; and if the rights are waived, a signed waiver should be obtained and witnessed by you and one other person.

If, at the time of apprehension, you plan to delay questioning of the suspect, a full Rights warning should be given immediately. Also, you should tell the suspect that you do not intend to conduct an interview until later.

NOTE

There is no reason to warn the suspect immediately after apprehension unless you plan to ask questions/interrogate. However, the suspect should be warned if you plan to interrogate him or her immediately. The suspect should also be warned if there is undue delay between apprehension and formal interrogation time frames.

When a suspect is not apprehended at the crime scene but is later identified through investigation, the best time to schedule the interrogation is not necessarily as soon as possible.

In some cases, it may be better not to let the suspect know you have identified him or her and to delay the interrogation until all other investigative leads are completed, including determining the complete background of the suspect. This allows you the greatest possible psychological advantage in the interrogation.

The interrogation should be scheduled so that no other activities interrupt it or cut it short. Because the interrogation is normally time-consuming and never hurried, no time limit is placed on it. The interrogation,

however, is not continued for a length of time that would be suggestive of duress.

It is difficult to state in advance how long is too long. A rule of thumb is for you to be able to show the court that you were considerate of the suspect's needs for food, water, personal hygiene, and rest.

As was previously stated, a criminal, surprised and apprehended in the act of committing a crime, is not usually interrogated on the spot. Such questioning is normally of little value to establish the involvement of the criminal in the offense the subject was caught committing, since that is well established by being caught in the act. Properly handled, however, this interrogation may produce a confession that will clear up other like crimes—such as a series of burglaries. Also, such interrogation may help to identify accomplices.

Ideally, the interrogation should be conducted at an interrogation room where facilities are available for recording the interrogation; where secretarial assistance is available; and where witnesses are available to guard against possible charges of abuse, duress, or coercion, and to observe the manner in which statements, admissions, and confessions are obtained. At a regular interrogation room, you can arrange for privacy during the interrogation, control the physical environment, and make reasonably certain that the interrogation will not be interrupted.

The interrogation room should be plainly but comfortably furnished without pictures or similar items that could distract the attention of the subject. The surroundings should not remind the subject that he or she is in police custody or jail.

Two-way mirrors and similar equipment should be installed so they appear as normal furnishings insofar as possible. Acoustic tile may be used to soundproof the room. When possible, the room must also have temperature control, including air-conditioning, to preclude later defense counsel claims that a confession was “sweated” or “frozen” out of the accused. The furniture should consist of a small, narrow table to write on, but which gives the suspect nothing to “hide” behind and three comfortable chairs.

Anything that might be needed such as paper, statement forms, the *MCM*, an ashtray, and so forth, should be in place before beginning the interview or interrogation. No telephone should be in the room, as its ringing might distract the suspect at the wrong psychological moment in the interrogation.

Weapons or articles that might serve as weapons are not left in any interrogation room. The door should have a “Do Not Disturb” sign.

If an interrogation room is not available to you (as it will not be aboard ship) you should try to furnish your office or a space to be used as an interrogation room to conform with the guidelines previously discussed for an interrogation room.

Classifying Suspects

Suspects are classified as follows:

1. Known offenders whose guilt is reasonably certain because of evidence available. These offenders may be more readily influenced by sympathy or understanding, or by logic.

2. Suspects whose guilt is doubtful or uncertain because of lack of essential facts or because of weaknesses in the available evidence.

Some suspects cannot be placed precisely in either of these two categories. The accuracy of your efforts to classify a suspect depends upon your ability and experience and upon the availability and accuracy of information developed about the suspect or the case. An incorrect classification may lead to an unsuccessful interrogation if the questioning technique based on the original classification is not skillfully modified or changed during the interview.

The Interrogation

As in beginning a witness interview, you should introduce yourself and make sure the suspect is aware of your identity as a law enforcement officer. Before you ask any incriminating questions, tell the suspect what offense he or she is suspected of and advise the suspect of his or her rights.

Although there are as many techniques as an investigator's imagination will allow, there are only two approaches: indirect and direct.

Indirect approach. The indirect approach is exploratory in nature. It is usually used when interrogating a suspect whose guilt is uncertain or doubtful. In the indirect approach, the questioning is designed to develop a detailed account of the suspect's activities before, during, and after the time the offense was committed. Alibis offered by the suspect should be checked to determine their truthfulness. Facts that are definitely known to you and that suggest the suspect's guilt should be used in formulating questions to test

reactions and to determine whether the suspect is inclined to lie.

When evidence is lacking or is weak, you must proceed cautiously to place the suspect in a position where he or she will be forced to distort or alter facts that are definitely known to you. The suspect should then be requested to explain satisfactorily any discrepancy or distortion of factual information. You may, at times, imply that much more is actually known by making statements or by asking questions that lead the suspect to believe that the answers are already known.

When, due to statements made by the suspect, you become more certain of the suspect's guilt, you may wish to switch to a direct approach.

Direct approach. The direct approach is normally used to interrogate a suspect whose guilt is reasonably certain. In using this approach, you should assume an air of confidence with regard to, and stress the evidence or testimony indicative of the guilt of the suspect. In the direct approach, behave in an accusatory manner displaying complete belief in the suspect's guilt and strive to learn WHY the suspect committed an offense rather than IF the suspect committed the offense.

Suspect Interrogation Techniques

The techniques or the number of possible techniques used during an interrogation are limited only by your imagination and modified by limitations placed upon you by the laws and courts. Two of the most commonly used techniques are the psychological, and the logic and reasoning techniques.

Psychological approach. This approach is designed to focus the thoughts and emotions of the suspect on the moral aspects of the crime and thus bring about a realization that a wrong has been committed. Great care should be taken in using this approach to make sure that the suspect does not become so emotional as to render any statement made inadmissible.

You may begin this type of interrogation by discussing the moral seriousness of the offense; by appealing to the suspect's civic-mindedness or to responsibilities of citizenship; or by emphasizing the effects of his or her acts on the suspect's family or close relatives. From this beginning, proceed to such matters as the sorrows and suffering of the victim and the victim's relatives and friends.

The suspect may tend to become emotional when discussing a mother or father; a childhood and

childhood associations; early moral and religious training; and persons held in very high esteem, such as school teachers, religious instructors, athletic coaches, neighbors, or friends. This tendency is particularly true when a suspect is guilty of a crime that he or she feels violates the moral values that are associated with these people. Often, the emotional appeal of some person or personal relationship increases in intensity with the passage of time and with the distance separating the suspect from a former environment. By emphasizing the contrast between a present and a former way of life, you may intensify the suspect's emotional response, especially when he or she has deserted a family, has become orphaned or otherwise separated from a family, or when the way of life prescribed in early moral and religious training has been forsaken.

The psychological approach is often successful with a young person and with a first offender who has not had time to become a hardened criminal or to develop a thinking pattern typical of a hardened criminal.

You must realize that skill is required in using this approach. The basic emotions and motivations most commonly associated with criminal acts are hate, fear, love, and desire for gain. By careful inquiry into the suspect's thinking, feeling, and experience, you are likely to touch upon some basic weakness and thereby induce in the suspect a genuine desire to talk. Attempt to think along the same lines as the suspect, and to make every effort to establish a common ground of understanding. Assist the suspect to construct a "face saving" rationalization of the motives for committing the criminal act, and thereby make talking about the crime easier.

Logic and reasoning. The habitual criminal who feels no sense of wrongdoing in having committed a crime must normally be convinced by you that guilt can be easily established or is already established by testimony or available evidence. You should point out to the suspect the futility of denying guilt. The suspect should be confronted at every turn with testimony and evidence to refute alibis, that his or her guilt is definitely a matter against which no lies will defend.

Other techniques. Should psychological, and logic and reasoning techniques appear inappropriate, or fail to produce an admission or confession, techniques of a more subtle nature may be used.

You should plan the use of your technique carefully, so you will not be obvious to the suspect. Furthermore, you should be careful not to jeopardize the success of further interrogative effort by disclosing to the suspect

just how much or how little information has been obtained.

The serious student of interrogative techniques can find a variety of them discussed in several technical books written on the subject. You must, however, be alert to detect, among the various authors, techniques that differ in name only. You must also select only those that fit your own personality.

Some of these techniques follow:

THE HYPOTHETICAL STORY. Relate a story of a fictitious crime that varies only in minute details from the offense that the suspect is believed to have committed. After a lapse of time, request that the suspect write the details of the crime that have been related. If guilty, the suspect may include details that are identical with the actual offense and that were not mentioned in the fictitious crime. When confronted with this fact, the suspect may be influenced to make an admission or confession or may be forced to lie some more to extricate himself from a difficult position.

THE “COLD SHOULDER”. Invite the suspect to your office. If the suspect accepts the invitation, he or she is taken to the crime scene. The investigators accompanying the suspect say nothing to the suspect or to each other; they simply await a reaction. This technique permits the suspect, if guilty, to surmise that you may have adequate evidence to prove guilt, and may induce him or her to make an admission or confession. If witnesses whose identities are known to the suspect are available, they may be requested to walk past the crime scene without saying or doing anything to indicate to the suspect that they are aware of his or her presence. This procedure serves to intensify the suggestion that the facts of guilt are already established.

PLAYING ONE SUSPECT AGAINST ANOTHER. This technique may be used if more than one person is suspected of having been involved in the commission of a crime. There are many variations of this method. In all variations, one suspect is played against another by purposely encouraging the belief of one suspect that a companion in the crime is cooperating or has talked about the crime and has laid the blame on the suspect you are interrogating.

The suspects normally are separated and are not allowed to communicate with each other. Periodically, they may be allowed to glimpse or to observe each other from a distance, preferably when one is doing something that the other may construe as cooperation and as prejudicial to the observer's interests. You may sometimes confront the stronger suspect with known

facts that have been allegedly furnished by the weaker suspect. Known details of the crime maybe mentioned in the presence of the stronger suspect under conditions that compromise the weaker suspect. One suspect may be cordially treated, or even released while the other may be given the cold shoulder.

This method is most successful when you infer rather than assert that the suspect has confessed.

Another technique is to play down the offense. An example of this would be in larcenies of large dollar items. Many times, if you show more interest in the recovery of the property rather than the actual role played by the suspect, results are better.

Recording and Evaluating Interrogations

Interrogations can be recorded by the same methods used for interviews. Under normal circumstances, do not take notes during the interrogation. The interrogation requires such a degree of concentration that the diversion of note-taking would almost certainly disrupt your “rhythm” in questioning or your train of thought. Notes are generally taken after the suspect has made a statement and are often, in fact, a rough draft of a written statement the suspect has agreed to furnish.

The results of an interrogation of a suspect are evaluated in the same manner as those from nonsuspects.

Confessions

When obtaining a confession from a suspect, the investigator makes sure that all elements of proof for the particular crime have been covered. The *MCM* should be reviewed whenever doubt exists. During the taking of a written statement, the elements of proof should also be covered to enable the reader to have a clear understanding of the crime.

Number of Investigators

During the interrogation, you may find you are unable to obtain factual information or a confession after having used several techniques and are becoming fatigued. That may cause the suspect to persist in lying or denials. You may lose control of the interrogation. A second investigator can continue the interrogation and use techniques not previously used by you.

You should clearly advise the second investigator, in the presence of the suspect, that the suspect has been advised of all legal rights. The second investigator

should ascertain from the suspect that he or she clearly understands and desires to continue. During the interrogation by either investigator, patience and perseverance are the key elements.

WRITTEN STATEMENTS

Written statements are permanent records of the pretrial testimony of accused persons, suspects, victims, complainants, and witnesses. They may be used in court as evidence attesting to what was told to investigators, to refresh the memory of makers of the statements, or the memory of the Master-at-Arms, security patrolman, or investigators.

Statement and Rights Waiver Forms

Whenever possible, interviews with pertinent witnesses, victims, or complainants should be recorded on a Department of the Navy Voluntary Statement (OPNAV 5527/2).

The Department of the Navy Suspects Acknowledgement and Waiver of Rights form (Military, OPNAV 5527/3 and Civilian, OPNAV 5527/4) should be used to record suspect statements.

The requisite format for completing a Voluntary Statement and Acknowledgement and Waiver of Rights forms can be found in the *Navy Law Enforcement Manual* (OPNAVINST 5580.1) and the *Report and Forms Preparation Guide for the Navy Security Force*.

PREPARATION.— The statement or body of the statement is generally recorded using one of three accepted methods: narrative, question-and-answer, or a combination of narrative and question-and-answer.

The *narrative method* allows the interviewee/person executing the statement to record the information in his or her own words as desired. That is ideal if the person is articulate and does not compile a mass of irrelevant information. The narrative is used more often with a complainant or witness than with a victim or suspect.

In the *question-and-answer method*, the investigator/interrogator can limit the information presented to that which is pertinent. Two disadvantages of using this method are (1) it is time-consuming for the investigator/interrogator and, (2) it may suppress some valuable information that might have been volunteered had the narrative method been used.

A combination of the above two methods normally produces the best results. The person being questioned

is first allowed to tell his or her story and then the investigator/interrogator elicits specific information previously omitted. This method or the question-and-answer method is most often used when taking a statement from an accused or a suspect.

The last section of the Suspect's form is known as the affidavit. It acknowledges that the statement was given voluntarily, that mistakes have been corrected and that the number of pages contained in the statement have been verified. The investigator then administers an oath to the interviewee by stating, "Do you swear or affirm that the information given by you in this statement is true and correct to the best of your knowledge, so help you God?" If the interviewee objects to the use of "God," that word maybe deleted from the oath

After the interviewee has answered in the affirmative, the statement is signed by the interviewee, the interviewer, and a witness.

The statement is written in the first person. In addition to signing the statement, the maker initials the bottom of each page and all corrections. The last sentence of each statement will be "End of Statement."

If a mistake is made and noticed before another word is typed the word should have marks over each letter and a space thereafter for the interviewee's initials. The wrong word then, cannot be seen and will cause no doubt when and if the statement is introduced into court. If noticed after completion of the statement, the word is lined out, written properly above the mistake, and then initialed by the interviewee.

The Suspect's Acknowledgment and Waiver of Rights form should be filled out each time an accused or suspected person is questioned and when a witness becomes suspect. Initiation of this form begins when the interviewer/interrogator states his or her official position, the nature of the offense being investigated, and that the person being interviewed is now suspect or accused of a particular offense.

This information can be stated in the investigator's own words as long as the accused or suspected person understands. However, the rest of the Rights warning must be read word for word from the certificate form. By reading the form word for word, uniformity and completeness in the reading of the rights are ensured in each instance, leaving little doubt as to the voluntariness of any statements subsequently made by suspects.

This form can be carried by the investigator or agent to have the Waiver and Rights readily available for field use.

If a person does not wish to be questioned and/or wants lawyer counsel before questioning, make an appropriate entry on the form, indicating that the person either desires a lawyer or declines to be questioned or say anything.

If the person orally waives his or her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that the person has stated that he or she understands his or her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

In all cases, the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

The most important thing to remember is to record all information and circumstances relevant to the reading of the rights and the responses of the accused or suspect.

INTERPRETERS

When in an overseas area you may have to question a person with whom you cannot converse directly because of language differences. This may also occur on rare occasions while working in CONUS. This problem should be solved through the use of an interpreter.

The interpreter should be a member of the Armed Forces or a U.S. citizen, but if it is impossible to obtain such a person, a qualified local inhabitant can be employed.

Knowledge of the foreign language is the best solution to your problem and the best means of checking the accuracy, loyalty, and obedience of your interpreter. You, however, should not attempt an interrogation alone unless you are fluent in the foreign language and certain of your ability to phrase and understand intelligent questions and to clearly understand answers given by the subject. Whenever you have any doubt as to your ability, you should use a qualified interpreter.

Choosing an Interpreter

An interpreter should possess the following qualifications:

- Be intelligent and capable of learning rapidly the habits, methods, and procedures of different investigators.
- Be educated in both the foreign language and English. Must be able to communicate clearly and intelligibly to all persons you are likely to question.
- Be honest and free from criminal tendencies. If a native of the area, he or she should be free from unfavorable notoriety among the local inhabitants.
- His or her reputation or standing in the community prohibits intimidation by persons of higher rank and standing. A person's social and educational level is often discernible from speech habits or peculiarities.
- Be willing to accept a subordinate role in the actual questioning of persons; that is, the interpreter must permit you to ask the questions and to receive and evaluate the answers.

Controlling the Interpreter

You must make certain the interpreter performs assigned duties correctly and does not take over the questioning. You are responsible for the investigation and for any interview or interrogation. Therefore, you must remain in complete control.

You ask the questions, receive the answers, and evaluate the information and each person who gives information. You should use the interpreter as a means of overcoming the language barrier.

Specific things to be avoided include the following:

- The interpreter must never ask questions other than those originated by you or paraphrase your questions or the subject's answers.
- The interpreter should never intimidate or berate the subject or engage in any behavior that will lower your prestige or adversely affect the investigation.
- The interpreter should never hold back information given by the subject because it may adversely affect the interpreter.
- You, in turn, should never bully, criticize or admonish the interpreter in the presence of the subject. Criticism is made in private to avoid lowering the

prestige of the interpreters, thereby impairing his or her effectiveness.

Questioning Procedure

The normal procedure for questioning through the interpreter includes the following:

- You should, insofar as possible, prepare in advance and in writing the questions you intend to ask. The questions should be clear, brief, and of the type that will elicit brief, factual answers.
- Questions should be provided to the interpreter in advance so that any special vocabulary research required may be accomplished before the interview.
- The interpreter should stand or sit to the side and slightly forward of you so he or she can converse with the subject, and you, by merely a turn of the head. Do not permit the interpreter to move about or to do anything that will distract the subject's attention from you.
- You should address the subject directly, developing good eye contact to hold his or her attention. Ask the questions slowly and clearly in concise and unambiguous English. Slang or other obvious expressions peculiar to a region or district, which may confuse the interpreter, should be avoided. If the subject and interpreter begin an extensive conversation or argument, you must put an immediate stop to it.
- The interpreter should translate your questions into the language of the subject. The interpretation should be done promptly in a clear, well-modulated voice, reproducing the tone and emphasis used by you.
- The subject should answer the questions in his or her native language.
- The interpreter should repeat the subject's answer in English, in as literal a translation as possible, without use of such expressions as, "He says" or "I believe he is lying." If you desire an explanation of an answer that concerns the use of or meaning of a word, request it from the interpreter at a later time. If you need clarification of a fact from the subject, secure it by asking the subject appropriate additional questions.
- You should never instruct the interpreter to ask the subject a question. By the same token, insist that the interpreter translate the subject's answer directly and literally. In other words, never turn to the interpreter and say, "Ask him if he knows John Doe." nor do you permit the interpreter to reply, "He says he does." Instead, the

question should be put directly to the subject in English, "Do you know John Doe?" and you should receive the answer through the interpreter as though it were answered in English by the subject, "Yes, I know him."

- You may find it desirable and necessary to make verbatim notes of the answers as they are given by the subject. In these instances, the interpreter must speak slowly and distinctly.
- In some cases, you may use a stenographer or a recording device. If the stenographer speaks both languages, record all the statements made in both languages. An electronic recording device could be used wherever possible in subject interviews and as required in other instances if the interviewee consents to its use. Such a device affords a permanent record of the questioning in both languages and is a means of cross-checking the accuracy and fidelity of the translation.
- The interpreter should be instructed to make a translation of long statements at regular and convenient pauses during the subject's utterances. The interruptions must come at the end of complete thoughts. This procedure may be difficult if the subject is allowed to give extensive narrative versions of the information. Therefore, questions that require extensive explanations and may cause the subject to stray should be avoided.

INVESTIGATION OF JUVENILE OFFENDERS

LEARNING OBJECTIVES: Define the terms used in the investigation of juveniles, and explain *jurisdiction of juveniles* both at home and overseas. Describe the authority of law enforcement personnel, and identify the public law concerning youthful offenders. Explain the responsibility of the military sponsor as parent, and list the types of juvenile offenses that most often occur on naval bases. Describe the investigative procedures and techniques used for juvenile offenders.

This section provides broad guidelines relative to the investigation of various offenses committed on military reservations by juveniles not subject to the UCMJ. Discussion is specifically limited to problems encountered in investigating the delinquent acts of juveniles, but the basic information relative to criminal investigation of crimes and other offenses outlined in this chapter and previous chapters is applicable, since a

considerable percentage of all types of crime is committed by youthful offenders.

The community activities and facilities found on most military reservations are there to provide military personnel with the surroundings essential for morale, family development, and leisure activities.

The disturbing effect of juvenile delinquency is not restricted to the civilian community. Dependent minors of military personnel are as likely to commit delinquent acts as any other youths. Moreover, such acts may discredit the military and endanger good relations with the surrounding civilian community, as well as cause personal harm and property damage. It is important, therefore, that the Master-at-Arms understand the nature of the problem created by the youthful offender, and some of the more obvious causes of juvenile delinquency.

DEFINITIONS

Juvenile. The age limits for classifying persons as juveniles vary according to the law of the particular state involved. Title 18, U.S. Code, Section 5031 defines *juvenile* as “a person who has not attained his or her 18th birthday.”

Juvenile delinquent. A youth under the age of 18 who commits an act that would be a crime if it were committed by an adult.

Juvenile dependents. The dependent children of any military sponsor.

Civilian juveniles. Children of nonmilitary persons who reside on, or who enter the military reservation, thereby coming under some control of the installation commanding officer.

Sponsor. The in-service parent of a juvenile.

JURISDICTION

Police authority exercised on a military reservation may be military, Federal, state, or local, or a combination of these. The jurisdiction of the agency exercising police authority will depend on (1) the type of offense committed, and (2) the authority of the state or Federal Government to legislate for the installation. The issue of jurisdiction is important, as it will determine which police agency will handle cases involving juvenile offenders. In areas of concurrent jurisdiction, the issue of which agency will become involved in a particular case is more often a matter of policy than of law. Thus, close liaison must be

established between the security officer, judge advocate, and civil authorities.

Military Jurisdiction

The UCMJ does not apply to either dependent or nondependent juveniles. It does, however, apply to members of the military under 18 years of age. Base commanding officers are delegated responsibility for all aspects of base activities and have been given the authority to take necessary actions to ensure the protection of public and private property, and the welfare, morale, and well-being of all persons under their control. The general authority placed on the base commanding officers by Navy regulations gives the commanding officer broad powers to create rules and regulations designed to meet local conditions. Thus, the base commanding officer may exercise police power, in varying degrees, as necessary and as the facts of a situation dictate, over any individual on the reservation. Since all incidents occurring on the base, including those involving juveniles, have an effect upon command morale and safety, the control and handling of incidents is a major concern of the base commanding officer. Masters-at-Arms may be authorized to investigate offenses committed on the installation, regardless of who the suspect may be. The base commanding officer publishes regulations and policies governing the conduct on base of civilian juveniles and dependent juveniles, and enforces them with sanctions, which may range from reprimand and exclusion from the base to termination of the sponsor's on-base quarters. In cases of serious misbehavior, the juvenile maybe prosecuted by appropriate civilian authorities.

Federal Jurisdiction

A number of crimes are Federal violations defined by specific acts of Congress. For example, counterfeiting is a Federal crime, regardless of where it is committed within the United States. In other instances, state criminal laws are “adopted” as Federal offenses under the Assimilative Crimes Act. For state crimes to become assimilated Federal crimes, they must have the following characteristics:

1. Be committed on a Federal reservation or section of a reservation over which the Federal Government exercises exclusive or concurrent jurisdiction.

2. Not be in violation of Federal laws or policy. When juveniles commit serious Federal offenses, the appropriate coordinating agencies may include the FBI,

U.S. Marshals, and the U.S. Attorney's Office. Such offenders may be tried in a U.S. District Court. In certain cases involving minor Federal offenses, the U.S. magistrate may hear the case.

State Jurisdiction

If the offense committed by the juvenile was a state crime and was not committed in an area of exclusive Federal legislative jurisdiction, local police and courts may take action. As this discussion is limited to on-base offenses, it will be assumed that the Master-at Arms will be the first to enter a case and will conduct the investigation unless the nature of the offense falls under the jurisdiction of the NCIS.

Local policies and regulations will determine the extent to which the MA will become involved in disposing of juvenile offenses. For example, on a base where there is concurrent jurisdiction, an MA investigation reveals that dependent juveniles have stolen cigarettes from the base bowling alley. Final disposition could include administrative action or trial by the appropriate civilian court or both, depending on the circumstances of the crime and prior offenses of the juvenile.

Overseas Installations

A difficult problem for the MA on overseas installations is created by juveniles who maybe present. The MAs are faced with the presence of juvenile dependents of United States military and civilian personnel, as well as nondependent juvenile citizens of the host nation.

Juvenile dependents are faced with fewer off-base activities when living overseas with their sponsors. As a result, juvenile delinquency stemming from boredom and inactivity may be encountered. If delinquent behavior takes place off the installation, relations with the host nation may be affected. In incidents occurring on the installation, Masters-at-Arms may become involved in the situation to investigate and refer the incident to the proper authorities for disposition. Minor incidents may be disposed of without formal action. Instead, the parents would be counseled and the youth reprimanded, with a warning as to the consequences of future delinquency. More serious incidents that are detrimental to the command and involve juvenile dependents may result in administrative action being taken. The command has several options available, including the following:

1. Reduction of privileges

2. Suspension of privileges

3. Officially reprimanding the sponsor

4. The return of the sponsor and dependents to the United States

5. Prosecution of the juvenile in host nation courts if the case is serious and upon advice of the local judge advocate

Questions concerning the investigation, apprehension, and prosecution of suspects, or other action to be taken, will require close coordination between security personnel and the judge advocate's office.

Investigation of all offenses committed on overseas Navy installations by juveniles of the host nation is the responsibility of the law enforcement personnel. Normally, local procedures are evolved to solicit the cooperation of the local foreign police in cases involving minor incidents of misbehavior. In cases involving host nation juveniles suspected of criminal offenses committed on the installation, you should carry out normal investigative procedures.

Local procedure may dictate that these offenses will be jointly investigated by both U.S. and host nation law enforcement personnel. The judge advocate should be contacted to determine what apprehension and prosecution procedures may be followed. Because of jurisdictional problems in these cases, the best action is that of prevention.

Adequate provisions should be established to prevent illegal entry of these juveniles onto the installation. Troublesome youths should be referred to local civilian police. In all cases, Masters-at-Arms should be alert for all places and situations that might lead to delinquent behavior involving the juveniles of the host nation and U.S. Navy personnel and property.

AUTHORITY OF LAW ENFORCEMENT PERSONNEL

Law enforcement personnel under authorization of the base commanding officer will investigate all criminal offenses and acts that endanger U.S. Navy personnel, their dependents and property, and U.S. Government property, or that are deemed detrimental to the efficient operation of the U.S. Navy. A considerable portion of the burden for the prevention of juvenile problems rests with the security officer and the security force, since the base commanding officer uses their expertise in dealing with juvenile delinquency problems within the command.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Public Law 93415, entitled The Juvenile Justice and Delinquency Prevention Act of 1974, now codified as chapter 403 of Title 18, United States Code was enacted to encourage programs and services designed to prevent juvenile delinquency and to encourage diversion of youthful offenders from the criminal justice system. Among procedures included in the Act are those concerning the processing of youthful offenders, such as apprehension and detainment, and records compiled on juvenile offenders.

Apprehension

When dealing with juveniles, as with other civilians, law enforcement personnel derive their authority as agents of the base commanding officer, rather than by virtue of their positions as military law enforcement officers.

All members of the Armed Forces who are acting in a private capacity have the ordinary right of citizens to assist in the maintenance of peace, including the right to apprehend suspected offenders.

In strictly legal terms, the authority of law enforcement personnel of a base, so far as concerns juveniles who are not subject to military law, is essentially that of a private citizen. As state law varies regarding citizen's arrest, the judge advocate must be consulted for guidance.

However, even in a jurisdiction having very narrow citizen's arrest statutes, a form of implied authority can be relied upon. Upon apprehension, juveniles must be notified of their legal rights, the offense for which apprehended, and be given a chance to consult with parent or guardian or another adult.

The offender's parents or guardians must be notified of the apprehension. The parents or guardians must also be informed of the juvenile's legal rights and the offense for which the juvenile was apprehended

Detainment

Though it maybe necessary to detain juveniles, they are not subject to the *UCMJ*. The detainment of juvenile suspects in confinement facilities, detention cells, or hospital prisoner wards is strictly forbidden at all times.

Juveniles may be temporarily detained in the offices of the base commanding officer or security officer only if all of the following conditions exists:

1. Such detainment is specifically authorized by the installation commander.

2. The juvenile is suspected of a serious criminal offense requiring exercise of jurisdiction by civilian law enforcement authorities.

3. At the time of apprehension the parents are not available to take custody of the child.

4. The detainment is for transferring custody of the juvenile, at the soonest possible time, to the child's parents or to the appropriate state or Federal agency having jurisdiction.

Records

Unless a juvenile who is taken under custody is prosecuted as an adult, law enforcement personnel may NOT do the following:

1. Obtain fingerprints or photographs of the juvenile without written consent of the judge of the juvenile court.

2. Release names or pictures of juvenile offenders to the public. All records pertaining to juvenile offenders must be safeguarded from unauthorized disclosure. During the juvenile proceeding, information on the juvenile and the circumstances of the offense maybe furnished only to the court, counsel for the juvenile, the Government, and others entitled to review sealed records. These other agencies are the following:

a. Another court of law.

b. Another agency preparing a presentence report for another court.

c. Another law enforcement agency if the request is related to an investigation of a crime or a position within that agency.

d. An inquiry in writing from the director of the juvenile treatment facility to which the juvenile has been committed by the court.

e. An inquiry from an agency considering the subject for a position immediately and directly affecting national security.

As stated, all records concerning juvenile offenders must be safeguarded and released on a need-to-know basis only. If a request for such information is made under the Freedom of Information Act (FOIA), however, only designated members of the command may deny the request. Accordingly, MAs should refer such requests to the FOIA officer, PAO, or SJA as appropriate. It is important that records contain a

detailed description of regulations violated and of further disposition by civilian authorities. Permanent records of nonessential and minor incidents or situations resolved in conference with the parents and juvenile should not be made. When a juvenile is found innocent, the record concerning the offense, including fingerprints, should be destroyed or sealed by the court, or disposed of under local directives of the appropriate state or Federal agency having jurisdiction over the reservation.

JUVENILE OFFENSES

The great majority of Masters-at-Arms' contacts with juveniles occur when youthful military dependents are apprehended while committing, or suspected of committing, relatively minor offenses amounting to a breach of the peace, or when preventing them from committing acts potentially injurious to property or life. Such offenses range from disturbing the peace and disorderly conduct (fights, drunkenness) to traffic violations.

In such cases, the base commanding officer's regulatory authority over dependents normally is exercised through the military sponsor, or the civilian sponsor who is connected with the installation through employment or residence thereon. As military sponsors are in no way subject to prosecution under the *UCMJ* merely because their dependents are guilty of misconduct or criminal offenses, regulation becomes dependent upon matters other than criminal prosecution.

The military sponsor, however, is responsible as a parent, for the conduct of his or her dependents on and off base. For minor first offenses, the commanding officer may find it sufficient to accept payment for damages for property destroyed or stolen and bar the juvenile from using certain base facilities (usually those in which the offense took place). More serious or repeated infractions may call for termination of sponsor's Government quarters and barring of the minor from the base. In addition, the commanding officer has various administrative remedies that may be effectively used against juvenile offenders, such as withdrawal of base auto permits. The CO will make the standards of conduct known not only in base regulations but also by written notice at facilities customarily used by dependents.

In cases involving juveniles from off the base, the commanding officer will dispose of the troublesome youths by ordering them off the base and may prohibit

their reentry. Masters-at-Arms may use only such force as is necessary to eject a person from the installation. The penalty imposed for recentering the reservation after ejection or order forbidding re-entry is contained in Title 18, U.S.C., Sec. 1382, which provides for a fine of not more than \$500 or imprisonment for not more than 6 months, or both.

Legal Action

Occasionally, a more serious criminal offense (larceny, assault, or extensive vandalism) is committed on a military reservation by a juvenile. A base commanding officer does not have authority to order juveniles who have violated existing laws or base regulations on the reservation into confinement. However, an investigation may be conducted and, if warranted, juvenile suspects may then be detained as previously discussed.

Types of offenses

The following offenses are those that occur most frequently on naval bases:

1. Traffic violations. Speeding, reckless driving, and various minor driver violations involving teenage drivers create a special problem of control and prevention. Traffic control on the base usually is the responsibility of security personnel, who should make surveys determining the extent of the problem and enforce necessary measures of regulation. A simple reprimand is often sufficient for first offenders. Some youths, however, persist in driving recklessly on the base. In such cases, their parents should be notified and the commanding officer may suspend the youth's base driving privileges. Troublesome youths from local civilian areas should be forbidden to enter the reservation at all.

2. Disturbing the peace and disorderly conduct. Occasional rowdiness and fighting will inevitably occur when youths gather. In most incidents, security personnel action will consist of stopping the misconduct and when necessary, referring the incident to the parents of the youths involved. Since most juveniles are not of legal alcohol-drinking age, security personnel and investigators must be on the lookout for signs of illegal possession of alcohol. The names of persons and locations of places illegally dispensing alcohol to youths should be given to the security officer and/or local police so that appropriate legal action may be taken to prevent recurrence. Drug abuse and narcotic problems may also be experienced on base.

3. Juvenile vandalism. Vandalism is the deliberate damaging or destruction of private or public property. Often, this delinquent behavior is committed for fun and excitement (especially by younger children), to express antagonism toward persons or situations (such as problems at home or school), for revenge, and as a kind of violent protest by angry and perhaps frustrated youths who are “mad at the world.” The cure for vandalism lies in determining and removing its causes and in providing constructive outlets for the stored-up energies and frustrations of youths. In all cases, individual juveniles must be shown that such vicious behavior will not be allowed. They (or their parents) should pay for the damage done.

4. Petty theft and burglary. Housebreaking and petty thefts are frequent juvenile offenses. Most times, such acts will involve only a few dollars or the theft of inexpensive or attractive pieces of property (radios, bicycles, cigarettes, candy). The base exchange and snack bar will be frequent targets for juvenile shoplifters. In these cases, informal procedures such as reprimand, notification of parents, and withdrawal of base privileges usually will be sufficient. When a youth is guilty of recurring or serious offenses, legal action may be necessary.

INVESTIGATIVE PROCEDURES

The investigative procedures outlined are intended to apply to less serious first offenders among juveniles and not to adolescent criminals. During your relationships with youthful offenders, you must reflect a concern not only for the future development of the youths but also for their parents, their fellow juveniles, and their community.

Basic Principles

The investigative tasks of detecting and apprehending criminals, preventing crime, and controlling people, within the framework of the law, apply equally to all persons coming under military jurisdiction—including juveniles.

You must ensure that the juvenile is processed in accordance with applicable laws and regulations. Juveniles and their parents must be informed of their legal rights and the offense for which the juveniles have been apprehended.

Both in conduct and attitude, security personnel and investigator must reflect their position as adults interested in the welfare of all youths in the community and their status as law enforcement officers.

Your primary concern is to determine whether a specific act that is a violation of law was committed. The investigation is directed at producing evidence concerning the commission of an act and determining the identification of the offender.

You should determine what the juvenile did and why, though investigation into causes and background data should be limited to essential information.

In juvenile cases, investigative action may be extended to conduct on the part of military sponsors that is dangerous or harmful to a child.

The misbehavior of a juvenile is an offense against the public and not a personal offense against you. Many times, you will be the target of uncooperative, rebellious, insulting, youthful behavior on the part of one or more suspects in a case.

The temptation to “crack down” or to personally discipline a youthful offender must be avoided. Physical punishment, detainment of juveniles in a manner not sanctioned by regulations, and other extralegal procedures are prohibited.

You must establish rapport and avoid doing anything in the personal handling of a juvenile that would justify a rebellious reaction by the youth.

Preliminary Investigation

Investigative procedures for the gathering of evidence in juvenile offenses are identical to those used in investigation of cases involving adult suspects—the evidence required is no less for juvenile cases. Care must be exercised to assure those rights of the children that protect them from unwarranted treatment.

You must notify the parents of a juvenile immediately after detaining or apprehending the youth. Failure to establish parental involvement violates the juvenile's rights and may hinder immediate corrective action.

You should make available to the parents full facts about the offense in which the juvenile is involved.

You should be alert for those rare parents who demonstrate that they are primarily concerned with shielding the suspect from any and all accusations, regardless of their validity.

In minor incidents, especially those involving children under 16 years of age, the informality of contact of the investigator with the juvenile may require no formal procedures, and corrective action may consist of a simple warning.

Interviews and Interrogation

Investigative procedures in connection with juvenile criminal offenses often involve interview and interrogation of young people, victims, witnesses, and suspects. The general techniques of interviewing and interrogation were described earlier in this chapter. Take certain precautions in questioning juveniles.

In any questioning of a juvenile, the following guidelines apply:

Obtain the juvenile's confidence by allowing him or her to take care of immediate needs. To get the interview started, establish a bond of mutual interest or experience. Meet the juvenile with consideration and be friendly. Many juveniles feel that the world especially the adult, is against them.

In obtaining personal information, explain why the information is necessary. Intersperse your data with his or hers so as to keep the interview going and provide yourself a check on the validity of the juvenile's answer. Never allow the juvenile to turn the tables and ask you questions. It also may be desirable to keep the juvenile guessing as to how much you know, by your not saying too much during the interview. The juvenile must be told, however, of what he or she is suspected, in addition to other Miranda rights.

An interview or interrogation of a female juvenile by a male investigator should only be conducted in the presence or constant hearing of a witness, preferably female.

Excessive psychological force, such as abusive language, threats, or harshness, produces only one result: you make your own job harder. It might also subject you to disciplinary action, or even to personal civil liability. To get a complete and accurate story, you must avoid alienating the juvenile.

Avoid "get-tough" attitudes or loss of temper. Investigators are not prosecutors.

In interrogating juveniles, you must avoid any coercive practices, and any act which would make it likely that an innocent, but frightened or emotionally disturbed child would confess.

Avoid using condemning terms, such as *juvenile delinquent*, *thief*, and *liar*.

A number of interview techniques used by civilian agencies have been found to be effective in dealing with youthful offenders. Among these techniques are the following:

1. Approach—Your approach should be honest and straightforward. Preconceived feelings and hostilities on both sides should be aired at the beginning. During this initial opening, you should carefully evaluate the subject and seek an approach that will create meaningful communications.

2. Language—Slang, street language, or a falsely assumed level of English that you are uncomfortable with will appear phony. Unless you are comfortable with youthful expressions, they should be avoided.

3. Questions—A truthful answer to all questions should be given. Questions should contribute to the course of the interview and not divert from it.

4. Personal experiences—The limited use of personal experiences by you may convince the youth that his or her position is understood and may tend to lower anxiety.

5. Control—The juvenile may test your sincerity by being uncooperative, telling obvious lies, or by using abusive language. If this occurs, you should make it known that the youth's efforts are obvious, and then attempt to identify the motivation behind them.

6. Self-respect—Avoid placing the youth in a situation where a loss of self-respect is likely to occur. Rationalizations and defense mechanisms can be very important, particularly in the young. The loss of these defenses may, in the long run, prove to be harmful.

7. Selection of alternatives—During the interview, both the juvenile and the parents should be made aware of the alternative courses of action available to the commanding officer. The juvenile, in particular, should have a major say in selecting one of the alternatives, as it will then be more meaningful.

8. Emotional outbursts—Emotional outbursts, closed eyes, dropped heads are all indications that progress is being made in discovering the causes behind the problem. At this point, the juvenile is often vulnerable to the establishment of a good relationship with you and a meaningful discussion.

You should always give consideration to having cooperative parents present during interviews or interrogations. You may give the parents an idea of what questions are going to be asked and allow them to ask their own questions at a given time. They should be told not to interrupt during the questioning. You should consider the advisability of conducting the questioning in the juvenile's home.

Contacting juveniles at school should be avoided if possible. However, if it is necessary, certain precautions must be observed.

1. Contact a key official, such as the school principal, and explain your purpose. Do not contact the student's teacher first.

2. Investigators, and particularly uniformed personnel, should not contact students at school during hours when it is likely they will be seen by large numbers of other students.

3. Remove a child from school only as a last resort. If a student is to be apprehended, explain this to school officials and obtain their permission to remove the child from school.

4. If possible and convenient, request a room in the school for questioning the suspect. Never enter the classroom to apprehend or question a juvenile.

If you should find it necessary to conduct an interview while the juvenile is in public view, especially when there are other juveniles present, the following precautions should be observed:

1. The juvenile subject must be allowed to "save face" with the group. If you act too officiously, you may embarrass or anger the youth and ruin the chances of a successful interview.

2. Speak quietly and inconspicuously.

3. Act casually as if you know the subject personally.

INTERNAL INVESTIGATION MANAGEMENT

LEARNING OBJECTIVES: List six training elements for investigative duty. Identify seven questions to be asked in investigative operational management planning. Describe the elements to be considered in the assignment of investigative personnel.

While investigative assignments must be based on aptitude and individual desires, all Masters-at-Arms should have knowledge of basic investigation techniques rather than being specially trained investigators. Your training should include, at the minimum, the following:

1. The scope of the Master-at-Arm's investigative responsibility

2. The provisions of the *UCMJ* that govern investigations

3. Preservation and examination of crime scenes and evidence

4. Rules of search and seizure

5. How to conduct interviews

6. How to write reports

OPERATIONAL MANAGEMENT

The supervisor of an investigation unit should be able to evaluate performance, eliminate unnecessary jobs, and make sure that the available resources of time, personnel, and equipment are used to maximum efficiency. That is called investigative operational management, and it must be applied properly to allow the investigator to fulfill his or her obligations.

Investigative operational management planning considers the following questions:

1. What is to be done?

2. Why is it to be done?

3. When is it to be done (what priority)?

4. Where is it to be done?

5. How is it to be done (resources)?

6. What is the estimated man-hour time?

7. Who is to do it?

As a part of the planning process, the supervisor considers all foreseeable contingencies and develops plans and SOPs so that the unit is prepared to respond.

UTILIZATION OF PERSONNEL

People are the most valuable resource available to the investigative supervisor, and they should be used wisely. The supervisor considers the following in the management of personnel resources.

Qualifications. Who is best suited for the mission in terms of experience, training, skill, physical condition, and dependability? The supervisor should assign the task to the right person.

Case Load. The case load is distributed evenly among assigned investigators. Careful planning is required to fit the individual to the task without overburdening the more experienced personnel. Difficult tasks should be alternated with the more simple

so that one or two investigators do not always receive the hardest, most time-consuming investigations.

Pairing Investigators. Efficiency can be greatly increased by properly pairing investigators—the inexperienced with the experienced and the methodical with the compulsive.

Time. The time that is required for an investigation should be considered so that the investigator is allowed a reasonable period to accomplish an investigation. Time is also considered in other ways; for example, does the investigator have sufficient time to rest, or is he or she overworked and subsequently less effective?

Supervision. The supervisor provides central direction to the investigative effort and, above all, assists the investigator whenever and however possible. The successful supervisor thoroughly briefs subordinates on requirements and delegates authority as appropriate.

SUMMARY

In this chapter, we covered investigative jurisdiction, major and minor criminal offenses, and security matters that require investigative action. The types of criminal information were defined, followed by an examination of the criminal information process. Next, we looked at informants and their importance to the investigative process, along with a discussion of the techniques used in observation, description, and identification. The terms used in surveillance operations were defined, followed by a discussion of planning, personnel qualifications, methods, and precautions involved in surveillance operations. The difference between an interview and an interrogation was discussed, and the elements of each technique were considered. Finally, we covered investigation of juvenile offenders and the management of internal investigations.